

SENATE

TUESDAY, MAY 2, 1944

(Legislative day of Wednesday, April 12, 1944)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal and gracious Father, even as we hush our feverish spirits in the quiet that hallows every altar of true prayer we are conscious of sounds on the earth and signs in the heavens that quicken all hearts with expectation. In a world where multitudes of Thy children have been plunged into the dark despair of a cruel tyranny which has enslaved peaceful nations we bow in sorrowful pity asking that Thou wilt strengthen our spirits and steel our hands to strike the decisive blow for freedom as the supreme hour of attack draws near. We front defiant and desperate conquerors without care or conscience, whose pagan banners are stained with innocent blood and whose ruthless way is paved with broken bodies, demolished homes, tortured captives, and desecrated treasures of culture and art. Out of the depths of the good earth which is Thine, out of the toiling sweat of patriot warriors in the factories we have builded, out of the sweet young lives from our homes and hearths, against this blatant perversion of all that is human and divine Thou hast commissioned us to forge the thunderbolts of Thy wrath and of Thy day of deliverance.

Through these tense times of preparation Thy grace has made us strong. Before the awaited signal to free a continent and to break the rod of the oppressor in all the earth, we humbly pray for Thy favoring might as we stand at Armageddon and battle for the Lord whose is the kingdom and the power and the glory. Amen.

THE JOURNAL

On request of Mr. Lucas, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, April 28, 1944, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. Frank Knox, late Secretary of the Navy.

ENROLLED JOINT RESOLUTION SIGNED

The message announced that the Speaker had affixed his signature to the enrolled joint resolution (S. J. Res. 122) to limit the operation of sections 109 and 113 of the Criminal Code, and sections

361, 365, and 366 of the Revised Statutes, and certain other provisions of law, and it was signed by the Vice President.

TRIBUTE TO THE LATE SECRETARY KNOX

Mr. MALONEY. Mr. President, on last Saturday I received a telegram from Gov. Raymond E. Baldwin of the State of Connecticut. It reads as follows:

The people of the State of Connecticut are saddened by the loss of Hon. Frank Knox, Secretary of the Navy. Will you please express the heartfelt sympathy of the people of our State to his family.

I am certain, Mr. President, that Governor Baldwin voices the feeling of the people of our State. I know that I have been terribly saddened by the death of Secretary Knox. Throughout his entire life he constantly contributed to the welfare of his fellow Americans—and his death came during the period of his greatest contribution. He died with his hand on the helm.

THE RECONSTRUCTION FINANCE CORPORATION—LETTER FROM SECRETARY OF COMMERCE JONES

Mr. WHEELER. Mr. President, I ask unanimous consent to have inserted in the RECORD a letter addressed to me by the Secretary of Commerce, Mr. Jesse Jones.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,
Washington, April 11, 1944.

HON. BURTON K. WHEELER,
Chairman, Committee on Interstate Commerce, United States Senate,
Washington, D. C.

DEAR SENATOR WHEELER: Taking note of Senator REED's recent diatribe about me and the R. F. C., and his resolution to have our activities in connection with the Kansas City Southern Railroad investigated, beg to advise that I shall be pleased to furnish the Committee on Interstate Commerce any information in my possession.

As for Senator REED's statement that Mr. Couch is a political and financial protege of mine, I would advise the Senator that I have no such relationships.

I would also advise the Senator that the R. F. C. is a bipartisan agency and is operated on that basis, and that credit is not extended on political or personal considerations. Furthermore, no loan can be made to a railroad without the approval of the Interstate Commerce Commission.

Including equipment trust loans, R. F. C.'s investments in railroad loans have aggregated \$1,050,905,675, of which amount \$658,241,727 has been paid or sold without recourse, and frequently at a premium. We estimate that there will be no net loss to the Corporation from its investments in railroad loans.

We have a very definite responsibility in making loans to railroads. We are not interested in who owns them, but we are interested in their management and financial policy if they come to the R. F. C. for loans. Management is often as much a factor in lending money as the actual security offered, and we have regarded the Kansas City Southern management as good.

Probably doubting the outcome of a proxy contest, Mr. Couch has been persuaded to withdraw from the management, and has been given a long-time employment contract with the road at a very substantial salary, for which he is only required to give advice and counsel upon request, when convenient for him to do so.

The Kansas City Southern, through its subsidiary, the Louisiana & Arkansas Railway, which comprises approximately half the mileage of the system, owes the R. F. C. \$1,555,000, and there is a bank loan, guaranteed by the R. F. C., of \$245,000—a total of \$1,800,000.

In addition, the Kansas City Southern has commitments from the R. F. C. to lend it \$6,000,000 and the Louisiana & Arkansas \$1,000,000—a total of \$7,000,000.

Five million dollars of this amount was to enable the company to buy in its own bonds at a very substantial discount, thus enabling the road to reduce its interest charges and the total amount of its debt; any such purchase to be currently subject to the approval of the R. F. C. and the I. C. C. If these commitments were used, the road's debts to the R. F. C. would be \$8,800,000.

The Kansas City Southern's reports as of December 31, 1942, show outstanding bonds of approximately \$57,000,000, and the L. & A. of \$16,000,000, or a total of approximately \$73,000,000. In addition, the two roads had outstanding equipment trust certificates of approximately \$4,500,000.

The road has outstanding 210,000 shares of 4-percent preferred stock, on which very little dividends have been paid, or should be paid, until its debt has been greatly reduced, and provision made for refunding the \$57,000,000 which matures in or prior to 1950.

Because of this large debt, the ultimate solvency of the Kansas City Southern is not assured, and therefore its common stock has little, if any, sound value.

We think the road has had a conservative financial policy and an aggressive business policy, under the Couch management, and have understood that some of the people interested in getting control of the property at this time want to pay larger dividends than has been the road's policy.

Such a course would not be to the best interests of the property, nor would it be in line with the I. C. C.'s opinion as quoted in its fifty-fifth annual report to Congress, dated November 1, 1941, in which the Commission said in speaking of railroad policy generally:

"It would be a mistake, in the present tide of apparently revived earning power, to ignore the fact that they have a very heavy burden of debt and that it may be a crippling burden in the future, if earnings should radically decline. We have noted with approval that many of the managements are avoiding this mistake and are using the favorable earnings of the present, in one way or another, to reduce fixed charges as rapidly as practicable. While stockholders may on first thought be disposed to object to such a policy, it is the stockholders who will suffer most in the event of future insolvency. They will, we believe, be shortsighted if, by insistence on immediate dividends, they jeopardize the continuance and possible expansion of a program of debt reduction."

Present temporary and abnormal earnings of all railroads, which are due entirely to the war, should be conserved for debt purposes and for delayed maintenance occasioned by the lack of materials and manpower the last few years.

I give you this information to indicate the care with which our loans are made.

In view of Senator REED's resolution, which appeared in the CONGRESSIONAL RECORD of March 30, 1944, and his press conference, which had the effect of assisting Mr. Stauffer in his fight to get control of the road, I would appreciate it if you would place this letter in the CONGRESSIONAL RECORD.

Sincerely yours,

JESSE H. JONES,
Secretary of Commerce.

SENATE SPECIAL SILVER COMMITTEE

The VICE PRESIDENT appointed Mr. MILLIKIN a member of the Senate Special Silver Committee vice Charles L. McNary, deceased.

COMMITTEE TO ATTEND FUNERAL OF THE LATE SECRETARY KNOX

The VICE PRESIDENT, under the terms of Senate Resolution 287 unanimously agreed to on the 28th ultimo announced the appointment of the following committee to attend the funeral of the Honorable Frank Knox, late Secretary of the Navy:

Mr. WALSH of Massachusetts, Mr. MURRAY, Mr. LUCAS, Mr. ELLENDER, Mr. BRIDGES, Mr. FERGUSON, and Mr. WEEKS.

INVITATION TO ATTEND DEDICATION OF PULASKI HIGHWAY

The VICE PRESIDENT laid before the Senate a letter from Hon. John A. Novak, House of Delegates, Annapolis, Md., calling attention to the fact that the people of Maryland are formally designating the Philadelphia Road—U. S. Route No. 40—as Pulaski Highway, in honor of Brig. Gen. Casimir Pulaski, and extending an invitation to the Senate to attend the dedication of this highway on May 3, 1944, at 3 o'clock in the afternoon at the city line, which was ordered to lie on the table.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

USE OF INDIAN FUNDS FOR INSURANCE PREMIUMS

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to authorize the use of the funds of any tribe of Indians for insurance premiums (with an accompanying paper); to the Committee on Indian Affairs.

MINING OF COAL, PHOSPHATE, OIL, ETC., ON THE PUBLIC DOMAIN

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to repeal the third proviso of section 2 of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. 437, 438; 30 U. S. C., sec. 201) (with an accompanying paper); to the Committee on Public Lands and Surveys.

LEGISLATION OF MUNICIPAL COUNCILS, VIRGIN ISLANDS

Letters from the Acting Secretary of the Interior, transmitting, pursuant to law, legislation passed by the Municipal Councils of St. Croix, and of St. Thomas and St. John, V. I. (with accompanying papers); to the Committee on Territories and Insular Affairs.

BUFFALO CREEK WATERSHED (BUFFALO, CAYUGA, AND CAZENOVIA CREEK), NEW YORK

A letter from the Acting Secretary of Agriculture, transmitting, pursuant to the Flood Control Act of June 22, 1936, report of a survey of the Buffalo Creek watershed, New York (with an accompanying report); to the Committee on Commerce.

FLOOD-CONTROL SURVEY REPORT ON YAZOO RIVER WATERSHED, MISSISSIPPI

A letter from the Acting Secretary of Agriculture, transmitting, pursuant to the Flood Control Act of June 22, 1936, a report of a survey of the Yazoo River watershed, Mississippi (with an accompanying report); to the Committee on Commerce.

REPORT OF FEDERAL RESERVE SYSTEM

A letter from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, copy of the annual report of the Board of Governors of the Federal Reserve System covering operations during the year 1943 (with an accompanying report); to the Committee on Banking and Currency.

PERSONNEL REQUIREMENTS

Letters from the Secretary of War, the Acting Administrator of the Federal Security Agency, the Director of Office of War Information, and the Acting Chairman of the Federal Communications Commission, transmitting, pursuant to law, estimates of personnel requirements for their respective offices for the quarter ending June 30, 1944 (with accompanying papers); to the Committee on Civil Service.

REPORT OF THE AMERICAN NATIONAL THEATER AND ACADEMY

A letter from the Secretary of The American National Theater and Academy, transmitting, pursuant to law, the annual report of The American National Theater and Academy for the calendar year 1943 (with an accompanying report); to the Committee on Education and Labor.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents in the files of the Departments of War and the Navy (2) which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution of Oil Workers International Union, Local No. 128, of Long Beach, Calif., favoring the extension of the Emergency Price Control Act; to the Committee on Banking and Currency.

The petition of John E. Birch, of Seattle, Wash., relating to claim against the Government for \$500,000 for alleged irreparable personal damages while a member of the United States Army Air Forces; to the Committee on Claims.

A resolution of the Atlantic County Central Labor Union, Atlantic City, N. J., favoring the adoption of measures to broadcast the proceedings of Congress; to the Committee on Rules.

By Mr. WALSH of Massachusetts:

A resolution adopted by a mass meeting of Americans of Lithuanian descent of the city of Worcester, Mass., favoring the reestablishment of Lithuania as a free and independent republic; to the Committee on Foreign Relations.

By Mr. THOMAS of Oklahoma:

A resolution of the Senate of Oklahoma; to the Committee on Interstate Commerce:

"Engrossed Senate Resolution 2

"Resolution memorializing the Congress of the United States to enact proper legislation so the Nation can return to normal standard time

"Whereas it is the sun and not the laws of man that determines daylight and darkness; and

"Whereas central standard time is sun time on the ninetieth meridian, which runs near East St. Louis; and

"Whereas the ninety-eighth meridian was the dividing line between Indian Territory and Oklahoma Territory before statehood, which makes Oklahoma time on the average 32 minutes faster than sun time based on central standard time; and

"Whereas the war time now in force makes Oklahoma time on the average 1 hour and 32 minutes faster than sun time; and

"Whereas such a great difference is disturbing, lessens the number of suitable hours for work, increases the consumption of fuel, causes school children to have to wait in the dark and cold for school busses in winter-time; and

"Whereas war time does not benefit people who live west of the meridian that governs their standard time; that it is much easier to move and act in obedience to the laws of nature than contrary thereto; that practically all war plants run on a 24-hour basis and cannot be benefited by a change from standard time; Therefore be it

"Resolved by the Senate of the State of Oklahoma in special session, That the Congress of the United States be, and is hereby, petitioned and requested to enact proper legislation so the Nation can return to normal standard time; be it further

"Resolved, That engrossed copies of this resolution, duly certified, be mailed by the secretary of the Senate to our United States Senators and Members of Congress and the President of the United States.

"Adopted by the Senate the 18th day of April 1944.

*"THEODORE PRUETT,
"Acting President of the Senate."*

MEMORIAL TO BENJAMIN HARRISON—NAMING OF NAVAL VESSEL U. S. S. "FORT WAYNE"

Mr. JACKSON. Mr. President, I have two very brief resolutions which I ask unanimous consent to present and have printed in the RECORD, and appropriately referred. One has to do with the naming of a ship after my home city. The other is a resolution of Lost River Chapter of Orange County, Ind., Daughters of the American Revolution.

The VICE PRESIDENT. Without objection, the resolutions will be received and appropriately referred.

To the Committee on the Library:

PAOLI, IND., April 26, 1944.

HON. SAMUEL JACKSON,
Washington, D. C.

DEAR SIR: At our last meeting Lost River Chapter, D. A. R., voted on the following resolution:

"Whereas the Orange County Chapter of the Daughters of the American Revolution favor the plans for a memorial to Benjamin Harrison; and

"Whereas the plans recommended by the Harrison Memorial Commission are sound and fitting for a national memorial; and

"Whereas the completion of this memorial will add to the economic and social stability of vast numbers of people by restoring forest resources and assuring wood-using industries of a permanent supply of raw material; and

"Whereas the development of the recommended memorial will fit into a sound post-war work program: Now, therefore, be it

"Resolved, That the Orange County Chapter of the Daughters of the American Revolution do unanimously endorse the Harrison Memorial plan and urge all Indiana Members of the United States Congress to press for early national legislation so that the Harrison Memorial plan may be put into effect."

Very truly yours,

ETHEL FARLOW,
Corresponding Secretary.

To the Committee on Naval Affairs:

FORT WAYNE, IND., April 17, 1944.

Whereas Local No. 901, United Electrical, Radio, and Machine Workers of America, is a firm believer in patriotism and civic endeavor, we are lending our support to the movement of having a vessel of the United States Navy named after our fair city of Fort Wayne, as suggested by the late Harold R. Bailey, a member of the United States Navy, who gave his life in the service of our country; and

Whereas the members of this union have been actively engaged in producing many items of equipment used by the Navy, we feel a particular pride in our contribution to the war effort and believe our request to be well substantiated by our close interest in the welfare of the Navy; Therefore be it

Resolved, That a vessel be named after our city as a fitting memorial to the members of Local No. 901, U. E. R. M. W. A., who have made the supreme sacrifice in the United States Navy, and a tribute to those who are now serving; and be it further

Resolved, That a copy of this resolution be forwarded to the Honorable Franklin D. Roosevelt, President of the United States; Hon. Frank Knox, Secretary of the Navy; Hon. Henry Schriker, Governor of the State of Indiana; to the Honorable Senators from Indiana, namely, Raymond Willis and Samuel D. Jackson; to the Honorable George W. Gillette, of the Fourth Congressional District of the State of Indiana; to the Honorable Harry Baals, mayor of the city of Fort Wayne; to the family of the late Harold R. Bailey; to the Journal-Gazette and News-Sentinel and a copy for record of Local No. 901, U. E. R. M. W. A.

Yours truly,

SAM C. MCAFEE,

President, Local No. 901, U. E. R. M. W. A.

LETTER FROM COUNCIL 63, POLISH NATIONAL ALLIANCE, KANSAS CITY, KANS.

Mr. REED. Mr. President, I ask unanimous consent to present and have printed in the RECORD as a part of my remarks, and appropriately referred, a letter to me from Council 63 of the Polish National Alliance. It is signed by Joseph Ksiazek, president, and Frank Kustra, secretary.

There being no objection, the letter was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

KANSAS CITY, KANS., April 24, 1944.

Hon. CLYDE M. REED,
United States Senator of Kansas,
Washington, D. C.

DEAR SIR: On the 3d of May 1791, the Kingdom of Poland, already reduced by the tripartite partitions, unanimously adopted a new constitution which provided for liberty and equal rights for all men. What other nations and people did with bloodshed, Poland with her long tradition of tolerance, accomplished by peaceful means.

In these critical times, when not only Poland but the whole world is fighting against the dark forces of oppression and totalitarianism, it is fitting that this date be commemorated by us in the United States.

The Poles, always ready to support the democratic cause, were again the first to stand against the enemy of freedom. Again they followed their motto "For Your Freedom and for Ours."

Could you, sir, on the 3d of May, call this fact to the attention of the American Senate? It is our duty as Americans to remember an ally who though faced with insurmountable obstacles would rather die than surrender.

The Constitution of the 3d of May is another monument that testifies to the democratic spirit of Poland.

Respectfully submitted.

COUNCIL 63 OF THE
POLISH NATIONAL ALLIANCE,
JOSEPH KSIAZEK, President,
FRANK A. KUSTRA, Secretary.

RECONVERSION OF INDUSTRIAL PLANTS

Mr. MALONEY. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD at this point a letter, and resolution, which I have received from Dr. Charles Seymour, chairman of the Post-War Planning Board of the State of Connecticut and president of Yale University.

The resolution was adopted by the Connecticut State Post-War Planning Board on April 26 and relates to the reconversion of industrial plants.

My request includes the printing of the names of the members of the committee on industry and labor, who recommended the adoption of the resolution, and of the Connecticut Post-War Planning Board.

There being no objection, the letter and resolution together with the names of the committee on industry and labor of the Connecticut Post-War Planning Board were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

STATE OF CONNECTICUT,
POST-WAR PLANNING BOARD,
New Haven, Conn., April 27, 1944.

The Honorable FRANCIS MALONEY,
United States Senate, Washington, D. C.

DEAR SENATOR MALONEY: I beg to enclose copy of a resolution which was passed by the Connecticut State Post-War Planning Board at its meeting yesterday upon the recommendation of its committee on industry and labor, requesting that it be forwarded to you for your interest and such help as you may find yourself in a position to give. I need not tell you that we shall be appreciative of whatever you can do to help clear up the situation so that Connecticut can plan its post-war readjustment with greater certainty and wisdom.

With warm personal regards, believe me,

Faithfully yours,

CHARLES SEYMOUR,
Chairman.

Resolution regarding legislation concerning reconversion of industrial plants

Whereas, under the compulsion of patriotism and through the exercise of vision, courage, resourcefulness and energy, Connecticut industry converted from peacetime to unprecedented wartime production in a shorter period of time than had ever before been accomplished; and

Whereas industry desires to perform equally well in the transition from a wartime to a peacetime economy; and

Whereas the first concern of industry is jobs for all, and especially for all of the returning service men and women; and

Whereas industry must have its resources, its working capital, credits, markets, and materials freed for research and development, new equipment, raw materials, pay rolls, and sales, to create these jobs and to establish a sound and lasting prosperity; and

Whereas industry's plans for a return to peacetime production must of necessity be based upon established governmental policies and procedures, some of which cannot be definitely determined without appropriate legislation: Now, therefore, be it

Resolved, That the Connecticut Post-War Planning Board expresses to the Congress of the United States the belief that prompt action by adequate and appropriate legislation is imperatively needed covering plant clearance; the disposal of Government-owned plants and surplus equipment and supplies; and the prompt and final settlement of terminated war contracts without review except for fraud or collusion.

CONNECTICUT POST-WAR PLANNING BOARD— COMMITTEE ON INDUSTRY AND LABOR

Roger E. Gay, president, Bristol Brass Corporation, Bristol, chairman.

Arnold A. Brinkford, representative, Brotherhood of Locomotive Firemen and Enginemen, West Haven.

Robert Carroll, vice president, Arrow, Hart & Hegeman Co., Hartford.

Rev. Joseph F. Donnelly, St. Francis Orphan Asylum, Highland Heights, New Haven.

John J. Driscoll, 95 North Main Street, Waterbury.

John J. Egan, 1024 Main Street, Bridgeport.

I. P. Ferris, president, Bridgeport Metal Goods Corporation, Bridgeport.

Alfred C. Fuller, Manufacturers Association of Connecticut, Inc., 436 Capitol Avenue, Hartford.

C. P. Gross 3d, Scovill Manufacturing Co., Waterbury.

E. M. Jack, president, Union Hardware Co., Torrington.

John A. North, president, The Phoenix Insurance Co., Hartford.

Joseph W. Powdrell, Powdrell & Alexander, Inc., Danielson.

R. E. Pritchard, president, The Stanley Works, New Britain.

Amor P. Smith, the Russell Manufacturing Co., Middletown.

MEMBERS OF THE CONNECTICUT POST-WAR PLANNING BOARD

Gov. Raymond E. Baldwin, ex officio.

Theodore H. Beard, of Bridgeport, vice president of the Dictaphone Corporation and chairman of the Post-War Planning Committee of the Connecticut Development Commission, vice chairman.

David A. Clarke, of Milford, secretary of the Connecticut Farm Bureau Federation.

John J. Driscoll, of Waterbury, secretary-treasurer of the Connecticut State Industrial Union Council (C. I. O.).

John J. Egan, of Bridgeport, secretary-treasurer of the Connecticut Federation of Labor.

Ashbel G. Gulliver, of New Haven, dean of the Yale University Law School.

Mrs. Lida S. Ives, of Thomaston, national chairman of the home economics department of the National Grange.

Henry R. Luce, of Greenwich, editor of Time, Life, and Fortune magazines.

Dr. James L. McConaughy, of Middletown, national president of United China Relief, former Lieutenant Governor and former president of Wesleyan University.

William J. Pape, of Woodbury, publisher of the Waterbury American and Republican.

Joseph W. Powdrell, of Brooklyn, president of Powdrell & Alexander, Inc., Danielson, manufacturers of curtain fabrics.

Sister Mary Rosa, of West Hartford, dean of St. Joseph's College, secretary.

Dr. Charles Seymour, president of Yale University, chairman.

Igor Sikorsky, of Trumbull, pioneer builder of aircraft and inventor of the helicopter.

Mrs. Richard H. Valentine, of Stafford Springs, housewife.

Albert E. Waugh, of Mansfield, professor of economics at the University of Connecticut.

TERMINATION OF WAR CONTRACTS

Mr. MURRAY. Mr. President, from the Committee on Military Affairs, I report back favorably with an amendment to the bill (S. 1718) to provide for the settlement of claims arising from terminated war contracts, and for other purposes, and I submit a report (No. 836) thereon.

The VICE PRESIDENT. Without objection, the report will be received and the bill will be placed on the calendar.

Mr. MURRAY. Mr. President, our committee have under consideration other matters in connection with the post-war planning program, and we were contemplating the advisability of having included in this proposed legislation other important subjects essential in relation to the post-war period; such as unemployment compensation, public works, disposition and utilization of surplus war property, war production cut-backs, resumption of civilian production, and the creation of an over-all planning board to prepare us for full employment after the war.

It was, however, found necessary to report this bill at the earliest possible moment because of exigencies that exist in the country. It seems that approximately \$14,000,000,000 of contracts have been terminated up to date, resulting in a very serious situation confronting not only the prime contractors but the great mass of subcontractors who are affected by that situation.

It seems, furthermore, that some contracts have been terminated now for almost a year, and yet the contractors have been unable to secure settlements of their contracts. Therefore, it was deemed by the committee, as I have said, necessary to report this contract-termination bill at the earliest possible moment. While we recognize, of course, the need for other essential legislation which must come as a part of the reconversion program, we feel that we should immediately act on this proposed legislation while the other parts of the program are being studied.

The Senator from Georgia [Mr. GEORGE] and I issued a statement in this connection which I ask unanimous consent to have incorporated in the RECORD at this point as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

JOINT STATEMENT BY SENATOR WALTER F. GEORGE, CHAIRMAN SENATE SPECIAL COMMITTEE ON POST-WAR ECONOMIC POLICY AND PLANNING, AND SENATOR JAMES E. MURRAY, CHAIRMAN WAR CONTRACTS SUBCOMMITTEE, SENATE COMMITTEE ON MILITARY AFFAIRS

It is our mutual conviction that broad legislation to help achieve full employment after the war must be enacted by the present session of Congress. This is essential if our country is to be fully prepared for peace. It is also essential if our Congress is to discharge its proper functions as a policy-making body and assure a full return to democratic governmental processes in the post-war era.

It is our considered judgment that the following legislation should be enacted during the present session:

I. A BROAD POST-WAR ADJUSTMENT BILL

Two bills of this type are now before the Senate Military Affairs Committee: S. 1730 (GEORGE-MURRAY) and S. 1823 (KILGORE). We are now studying a number of revisions that have been suggested during the recent hearings before the Military Affairs Subcommittee. It is hoped that this over-all legislation can be reported to the floor of the Senate in the very near future.

The contemplated over-all legislation includes provisions setting forth specific congressional policies on cut-backs in war production and on the resumption of civilian production. The recent hearings have revealed a state of confusion on these questions that can be corrected only by legislative action.

Other hearings and investigations of the War Contracts Subcommittee have uncovered the fact that there is still a large amount of waste and extravagance under war contracts, particularly cost-plus-fee contracts. This is a problem of fundamental importance to our plans for post-war employment. Curtailing wasteful practices in war production will lower the cost of the war, reduce our debt burden, lead toward more efficiency in conversion to peace and help us achieve the low price levels that are essential to the development of our post-war markets. Although a separate measure on this subject is now before the subcommittee, consideration is being given to achieving the purposes of this resolution through an appropriate section in the general bill.

The problems of surplus war property and the demobilization of veterans and war workers may also be dealt with in the legislation now being studied.

The revised over-all legislation will also spell out in detail the planning functions of the top war mobilization and post-war adjustment agency. This will be done without duplicating or displacing the planning activities of established Federal agencies and without detracting in any fashion from the planning functions of the Congress. Serious consideration will also be given to appropriate representation in an advisory capacity, for industry, labor, agriculture, and the public.

II. UNEMPLOYMENT COMPENSATION

On April 12, 1944, the Honorable James F. Byrnes, Director of War Mobilization, stressed the necessity for legislation providing Federal assistance to the State unemployment compensation system.

We heartily concur in Justice Byrnes' proposal and will shortly submit a jointly sponsored bill embodying this recommendation. In the Senate, the bill will be referred to the Finance Committee, where the chairman will immediately appoint a subcommittee to work toward prompt reporting of the measure to the floor.

III. CONTRACT TERMINATION

The pending contract-termination legislation meets with general approval and should not be delayed any longer. S. 1718 as amended, which is now to be reported out of the Military Affairs Committee, should be passed promptly by the Senate and the House.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LA FOLLETTE, from the Committee on Indian Affairs:

H. J. Res. 166. Joint resolution to provide for the disposition of the proceeds to accrue as a result of the interlocutory judgment of

¹ Senate Joint Resolution 80, "To prohibit the use of the cost-plus-fixed-fee system of contracting in connection with war contracts," introduced by Senator HOMER FERGUSON, of Michigan.

the Court of Claims in the suit brought against the United States by the Menominee Tribe of Indians, and for other purposes; with amendments (Rept. No. 838).

By Mr. AUSTIN, from the Committee on Military Affairs:

S. 1834. A bill to amend sections 4 and 5 of the act entitled "An act providing for sundry matters affecting the Military Establishment," approved June 5, 1942 (56 Stat. 314), with respect to the movement, at Government expense, of dependents and household effects of certain military personnel; with amendments (Rept. No. 837).

By Mr. DOWNEY, from the Committee on Military Affairs:

S. 1795. A bill to amend that portion of the act approved June 30, 1906 (34 Stat. 697, 750), authorizing the settlement of accounts of deceased officers and enlisted men of the Army; without amendment (Rept. No. 839).

By Mr. JOHNSON of Colorado, from the Committee on Military Affairs:

S. 1808. A bill to authorize temporary appointment as officers in the Army of the United States of members of the Army Nurse Corps, female persons having the necessary qualifications for appointment in such corps, female dietetic and physical-therapy personnel of the medical department of the Army (exclusive of students and apprentices), and female persons having the necessary qualifications for appointment in such department as female dietetic or physical-therapy personnel, and for other purposes; without amendment (Rept. No. 840).

By Mr. WALSH of Massachusetts, from the Committee on Naval Affairs:

S. 1837. A bill for the relief of Lt. (Jr. Gr.) Hugh A. Shiels, United States Naval Reserve; without amendment (Rept. No. 841);

S. 1838. A bill to provide for reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of fires in quarters occupied by naval construction battalions; without amendment (Rept. No. 842);

S. 1839. A bill to provide for reimbursement of certain Navy personnel for personal property lost or damaged as the result of a fire in quarters at naval advance base depot, Port Hueneme, Calif., on February 6, 1944; without amendment (Rept. No. 843);

S. 1840. A bill to provide for reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of a fire in the bachelor officers' quarters, naval operating base, Argentina, Newfoundland, on January 12, 1943; without amendment (Rept. No. 844);

S. 1841. A bill to provide for the reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of a fire which occurred on the naval station, Tutuila, American Samoa, on October 20, 1943; without amendment (Rept. No. 845); and

S. 1842. A bill to reimburse certain Marine Corps personnel for personal property lost or damaged as the result of a fire at the marine barracks, naval supply depot, Bayonne, N. J., on April 25, 1943; without amendment (Rept. No. 846).

By Mr. WILSON, from the Committee on Military Affairs:

S. 1809. A bill to remove the limitation on the right to command of officers of the Dental Corps of the Army which limits such officers to command in that corps; without amendment (Rept. No. 847).

By Mr. CONNALLY, from the Committee on Foreign Relations:

H. R. 4254. An act to extend for 1 year the provisions of an act to promote the defense of the United States, approved March 11, 1941, as amended; without amendment (Rept. No. 848).

REPORT ON SURVEY OF CONDITIONS
AMONG THE INDIANS (PT. 2 OF REPT.
NO. 310)

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, submitted a supplemental report, pursuant to Senate Resolution 17, extending Senate Resolution 79, Seventieth Congress, on a survey of conditions among the Indians of the United States, which was ordered to be printed.

MANUFACTURE AND DISTRIBUTION OF
FARM MACHINERY

Mr. LUCAS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably without amendment Senate Resolution 276, and I ask for the immediate consideration of the resolution.

There being no objection, the resolution (S. Res. 276), submitted by Mr. CLARK of Missouri, for himself and Mr. GILLETTE, on March 24, 1944, was considered and agreed to, as follows:

Resolved, That the Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete study and investigation of the present production, means and facilities of production, and plans for future facilities of production for the manufacture of all types of machinery used in the farming industry, including horse- and motor-drawn implements, together with the manufacture of repairs and spare parts for such implements and machinery, and to make inquiry as to resources of supply of materials for such manufacture, and to specifically make investigation of the past, present, and future plans for distribution of farm machinery and the component parts thereof and secure facts as to what portion of the supply of farm machinery has been diverted to uses in areas outside of the United States and its Territories and what policies and plans have been adopted for future foreign distribution of this type of machinery and its parts, and such other inquiries as shall be germane to and pertinent to the development of the facts in the farm-machinery production and distribution industry.

The committee is directed to secure this information for the purpose of use in the preparation and consideration of legislative action to aid the agricultural industry in the Nation.

The committee shall report to the Senate as soon as practicable the results of its studies and investigations, together with its recommendation for such legislative action as is indicated.

For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-eighth Congress, to employ such clerical and other assistance, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to make such investigations, to administer such oaths, to take such testimony, and to incur such expenditures as it deems advisable. The committee is authorized to utilize the services, information, facilities, and personnel of the departments and agencies of the Government. The expenses of the committee, which shall not exceed \$5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SPECIAL ASSISTANT, COMMITTEE ON
MILITARY AFFAIRS

Mr. LUCAS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably, without amendment, Senate Resolution 273, and ask unanimous consent for its present consideration. The resolution provides for the sum of \$3,300 to be paid from the contingent fund of the Senate for employment of a special assistant to the Committee on Military Affairs. The resolution provides for a continuance of Senate Resolution 142 agreed to on June 12, 1943. It is apparent that the Appropriations Committee does not want to make a permanent place for this very important employee.

There being no objection, the resolution (S. Res. 273), submitted by Mr. REYNOLDS on March 20, was considered and agreed to, as follows:

Resolved, That Resolution 142, agreed to June 12, 1943, authorizing the Committee on Military Affairs to employ, during the fiscal year beginning July 1, 1943, a special assistant to be paid at the rate of \$3,300 per annum from the contingent fund of the Senate, hereby is continued in full force and effect during the fiscal year beginning July 1, 1944.

RICHARD E. HAGAN

Mr. LUCAS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably Senate Resolution 284, and ask for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution (S. Res. 284), submitted by Mr. BROOKS on April 24, 1944, was considered and agreed to as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Richard E. Hagan, widower of Virginia G. Hagan, late an employee in the office of Senator Brooks, a sum equal to 6 months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

READJUSTMENT IN CIVIL LIFE OF
VETERANS OF WORLD WAR NO. 2

Mr. LUCAS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably with an additional amendment Senate Resolution 225. It is a resolution reported by the Committee on Finance asking for \$10,000 to carry on public hearings in connection with problems relating to the readjustment in civil life of veterans of World War No. 2. I ask for present consideration of the resolution.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 225), submitted by Mr. CLARK of Missouri on December 21, 1943, which had been reported from the Committee on Finance, with amendments.

The amendments of the Committee on Finance were on page 1, line 11, after the word "thereof" and the comma, to strike

out "may" and insert "is authorized"; on page 2, line 8, after the word "advisable" to strike out "within the limits of such funds as shall be set aside for its use by the Committee on Finance or shall be appropriated to it directly by resolution of the Senate"; and on line 14, after the figures "\$10,000," to strike out "in addition to the cost of stenographic services to report such hearings," so as to make the resolution read:

Resolved, That the Committee on Finance, or a subcommittee thereof, is authorized and directed to conduct a study of problems relating to the readjustment in civil life of veterans of World War II, particularly as such problems affect their employment or re-employment. The committee, or a subcommittee thereof, may conduct hearings, public or executive, assemble and publish data, analyses, and shall report to the Senate such findings as it may make from time to time, together with its recommendations, if any, for necessary legislation. For the purpose of this resolution the committee, or a subcommittee thereof, is authorized to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-eighth Congress; to employ such clerical and other assistants; to borrow from Government departments and agencies such special assistants; to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; to administer such oaths; to take such testimony; and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

The amendments were agreed to.

The amendment of the Committee to Audit and Control the Contingent Expenses of the Senate was on page 2, line 14, to strike out "\$10,000" and insert "\$5,000."

The amendment was agreed to.

The resolution as amended was agreed to.

CONTINUATION OF AUTHORITY FOR GEN-
ERAL SURVEY OF INDIAN CONDITIONS

Mr. LUCAS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, without amendment, Senate Resolution 243, and ask for its immediate consideration.

The VICE PRESIDENT. Is there objection?

Mr. WHITE. Mr. President, I believe the Senator has stated that the resolution has been reported from the Committee to Audit and Control?

Mr. LUCAS. Yes.

The VICE PRESIDENT. Is there objection to immediate consideration?

There being no objection, the resolution (S. Res. 243) submitted by Mr. THOMAS of Oklahoma on January 24, 1944, was considered and agreed to as follows:

Resolved, That Senate Resolution 79, agreed to February 2, 1928, and continued by subsequent resolutions, authorizing the Committee on Indian Affairs, or any subcommittee thereof, to make a general survey of the

condition of the Indians in the United States, hereby is continued in full force and effect during the Seventy-ninth Congress.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS of Oklahoma:

S. 1872. A bill for the relief of Jack K. Wells, Jr. (with accompanying papers); to the Committee on Claims.

By Mr. SHIPSTEAD:

S. 1873. A bill for the relief of Edward T. Walker; to the Committee on Claims.

Mr. LUCAS. Mr. President, I ask consent to introduce a bill to provide for emergency flood-control work made necessary by recent floods throughout the Illinois Valley and the Mississippi and other valleys, and for other purposes, and ask that it be immediately appropriately referred.

The VICE PRESIDENT. Without objection, the bill will be received and referred to the Committee on Commerce.

By Mr. LUCAS:

S. 1874. A bill to provide for emergency flood-control work made necessary by recent floods, and for other purposes; to the Committee on Commerce.

By Mr. McKELLAR:

S. 1875. A bill to amend the Defense Highway Act of 1941; to the Committee on Post Offices and Post Roads.

(Mr. MAYBANK introduced Senate bill 1876, which was referred to the Committee on Commerce, and appears under a separate heading.)

(Mr. MAYBANK also introduced Senate bill 1877, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

By Mr. WALSH of Massachusetts:

S. 1878. A bill to grant additional compensation to certain veterans pursuing vocational training under part VII of Veterans Regulation No. 1 (a), as amended; to the Committee on Finance.

S. 1879. A bill to amend certain articles of the Articles for the Government of the Navy; S. 1880. A bill authorizing the acquisition and conversion or construction of certain landing craft and district craft for the United States Navy, and for other purposes; and

S. 1881. A bill to provide for reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of fire at the Naval Advance Base Depot, Port Hueneme, Calif., on January 12, 1944; to the Committee on Naval Affairs.

By Mr. MEAD:

S. 1882. A bill to increase the compensation of employees in the Postal Service; to the Committee on Post Offices and Post Roads.

By Mr. BROOKS (for himself and Mr. JOHNSON of Colorado):

S. 1883. A bill to amend section 201 of the Federal Power Act; to the Committee on Interstate Commerce.

By Mr. DAVIS:

S. 1884. A bill for the relief of John C. Graham; to the Committee on Claims.

By Mr. HAWKES:

S. J. Res. 125. Joint resolution designating February 11 of each year as Thomas Alva Edison Day; to the Committee on the Judiciary

By Mr. DOWNEY:

S. J. Res. 126. Joint resolution to reduce the tax on admissions to cabarets, roof

gardens, and similar entertainments; to the Committee on Finance.

By Mr. McKELLAR:

S. J. Res. 127. Joint resolution making certain employees of the Senate eligible for retirement; to the Committee on Rules.

IMPROVEMENT OF THE PEE DEE AND OTHER RIVERS IN SOUTH CAROLINA

Mr. MAYBANK. Mr. President, I ask unanimous consent to introduce a bill to provide for the construction, maintenance and operation of flood-control and navigation improvements, including dams, reservoirs and allied structures, in the basins of the rivers of the State of South Carolina and the basin of the Pee Dee, and for disposition of surplus electric energy generated, and so forth. I ask that the bill be appropriately referred, and either later today or at the next meeting of the Senate I shall discuss the bill in detail.

There being no objection, the bill (S. 1876) to provide for the construction, maintenance, and operation of flood-control and navigation improvements, including dams, reservoirs, and allied structures, in the basins of the rivers in the State of South Carolina and the basin of the Pee Dee and for the disposition of surplus electric energy generated by the Federal flood-control and navigation improvements in the basins of such rivers, was read twice by its title and referred to the Committee on Commerce.

TRANSFER OF GEORGETOWN COUNTY TO CHARLESTON DIVISION OF EASTERN JUDICIAL DISTRICT, S. C.

Mr. MAYBANK. Mr. President, I ask unanimous consent to introduce a bill to transfer Georgetown County, S. C., from the Florence division to the Charleston division of the eastern judicial district of South Carolina, and ask that it be referred to the Committee on the Judiciary and acted upon at the convenience of the committee. It has the approval of the bar association and the lawyers of that section of our State.

There being no objection, the bill (S. 1877) to transfer Georgetown County, S. C., from the Florence division to the Charleston division of the eastern judicial district of South Carolina, was read twice by its title and referred to the Committee on the Judiciary.

TERMINATION OF WAR CONTRACTS— AMENDMENTS

Mr. KILGORE submitted amendments intended to be proposed by him to the bill (S. 1718) to provide for the settlement of claims arising from terminated war contracts, and for other purposes, which were ordered to lie on the table and to be printed.

ANNIVERSARY OF ADOPTION OF THE POLISH CONSTITUTION

Mr. WALSH of Massachusetts. Mr. President, as a tribute of sympathy, friendship, and support to the Polish people on the anniversary of the adoption of the Polish Constitution, I ask unanimous consent to submit a concurrent resolution for appropriate reference.

There being no objection, the concurrent resolution (S. Con. Res. 42) was received and referred to the Committee on Foreign Relations, as follows:

Whereas May 3 is celebrated as a Polish national holiday in commemoration of the signing on May 3, 1791, of the Polish Constitution; and

Whereas the Polish Constitution of the 3d of May is symbolic of the ideals of democracy and liberty; and

Whereas Poland is our ally in the present conflict, and is courageously carrying on the fight to preserve such ideals; and

Whereas the people of Poland through centuries of struggle and sacrifice have established unmistakably their place in the family of nations and have demonstrated unquestionably their ability to govern themselves; and

Whereas conditions in Poland today indicate the further violation of its established territorial boundaries and the possible destruction of its sovereignty and its established democratic forms of government; and

Whereas in particular these conditions reflected in these United States of America and elsewhere tend to bring into controversy the war aims of the United Nations, and may constitute an infringement of the basic freedoms for which America fights, thereby weakening the bonds of kinship and amity which bind so many of our people to the people of Poland and threaten to impair the unity of our war effort: Therefore be it

Resolved by the Senate (the House of Representatives concurring). That the Congress hereby pays tribute to the brave people of Poland on the anniversary of the adoption of the Polish Constitution, and expresses its sympathy with their aspirations for the restoration of their freedom and independence and views with deepest solicitude and concern these threatening conditions and pledges its assistance to the Polish people to the end that the territorial integrity and political independence of their nation may be preserved and maintained.

TERMINATION OF WAR CONTRACTS— LIMIT OF EXPENDITURES

Mr. MURRAY submitted the following resolution (S. Res. 288), which was referred to the Committee on Military Affairs:

Resolved, That the limit of expenditures under Senate Resolution 198, agreed to February 8, 1942, which authorized the war-contracts subcommittee of the Committee on Military Affairs to investigate war contracts, termination of war contracts, and related problems, is hereby increased by \$10,000.

TEMPORARY ADDITIONAL CLERK—COM- MITTEE ON CIVIL SERVICE

Mr. DOWNEY submitted the following resolution (S. Res. 289), which was referred to the Committee on Civil Service:

Resolved, That Senate Resolution 82, Seventy-eighth Congress, agreed to January 25, 1943, is amended by inserting, after the second semicolon therein, the following: "to employ during the remainder of the Seventy-eighth Congress an additional clerk to be paid at the rate of \$2,400 per annum."

BENEFITS TO VETERANS AND THEIR DE- PENDENTS—ADDITIONAL COPIES

Mr. CLARK of Missouri submitted the following resolution (S. Res. 290), which was referred to the Committee on Printing:

Resolved, That 2,000 additional copies of Senate Document No. 146, current session,

entitled "Benefits to Veterans and Their Dependents," being an analysis of rights of all veterans and their dependents to pension or compensation, be printed for the use of the Senate document room.

HISTORY OF NAVAL PETROLEUM RESERVES (S. DOC. NO. 187)

Mr. WALSH of Massachusetts. Mr. President, I have had prepared by the Navy Department, for the use of the members of the Committee on Naval Affairs of the Senate and Members of the Congress, and likewise for the information of the public, a detailed history of what are called the naval petroleum reserves and what operations have been undertaken in these reserves up to the present date.

This information begins with 1909, when President Taft, by Executive order, removed certain oil lands from entry by prospectors and private claimants in order to prevent private development on certain public lands. Various Executive orders and legislation that have followed are set forth in this document, and it contains a complete summary of all the information that is available with reference to the naval petroleum reserves.

It will be noted that there have been five periods of administration:

First. The withdrawal order of President Taft in 1909 through the legislation of 1912 and the Executive orders setting aside specific naval reserves.

Second. The second period consists chiefly of litigation and settlement of claims of private claimants, and includes the Leasing Act of February 1920 and the Naval Petroleum Reserves Act of January 4, 1920.

Third. The third period deals with the administration by the Department of the Interior, from the transfer by President Harding in 1921 through the Fall-Doheny transactions, the Sinclair-Fall transactions, the disclosures by the committee headed by Senator Walsh, of Montana, and, finally, the judicial reparation of the Government rights and the return of the reserves to the Navy in 1927.

Fourth. This section deals with the administration of the reserves by the Navy Department, the President Coolidge Oil Commission, and the prolonged effort of the Navy to get appropriate amendments to the act of 1920 in order to clarify its administrative responsibility and authority with respect to the reserves. That period is a history of negotiations with the various interested parties, many hearings before Senate and House committees, ending in the adoption of amendments to the 1920 act in the act of June 30, 1938.

Fifth. This period includes recent history and the Navy's program for the future administration of the reserves, upon which legislation is pending.

I request that this résumé of the history of the naval petroleum reserves be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

INTRACOASTAL WATERWAY FROM THE MISSISSIPPI RIVER AT OR NEAR NEW ORLEANS, LA., TO CORPUS CHRISTI, TEX. (S. DOC. NO. 188)

Mr. OVERTON. Mr. President, I present a letter from the Secretary of War

transmitting a report of the Chief of Engineers, United States Army, in reference to the Intracoastal Waterway from the Mississippi River at or near New Orleans, La., to Corpus Christi, Tex., with a view to determining the advisability of providing an alternate waterway connection with the Mississippi River at or in the vicinity of Algiers, La., and ask unanimous consent that it be printed as a Senate document with illustrations.

The VICE PRESIDENT. Without objection, it is so ordered.

Santee River Project, North Carolina and South Carolina (S. DOC. NO. 189)

Mr. OVERTON. Mr. President, I present a letter from the Secretary of War transmitting a report of the Chief of Engineers, United States Army, in reference to the Santee River project, in North Carolina and South Carolina, and I ask unanimous consent that it be printed as a Senate document with an illustration.

The VICE PRESIDENT. Without objection, it is so ordered.

PROHIBITION OF CORN SALES IN CERTAIN COUNTIES

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Henry L. Graham, Jr., manager of the Wamego (Kans.) Milling Co., pointing out the actual effects of the recent order prohibiting sales of corn in 125 Corn Belt counties except to the Commodity Credit Corporation.

While I have the floor I wish to comment briefly on this action of the War Food Administration, at the request of the War Department and the War Production Board. The War Department says it needs 80,000,000 bushels of corn for industrial uses. The War Department has power to requisition what it needs, and to pay for whatever it requisitions. In my judgment, that is what it should have done. But apparently in order to work out some plan that would avoid the appearance of seizing corn for public use, a roundabout way of reaching the same result was adopted. Corn in these counties can be sold only to the C. C. C., except on special permit through the A. A. A. or the W. F. A. for feeding on farms in the county where grown.

The result has been to deprive feeders outside these corn counties of corn to feed animals on farms and in feeding pens, unless it can be purchased outside these 125 counties in the Corn Belt. But a dealer who brings in corn from some county outside, in order to cover transportation and handling costs, is obliged to sell this corn at prices higher than the ceiling price on local corn, as a result of the two-price corn ceilings order of the O. P. A.-W. F. A. of last winter.

It looks to me, and to most persons in the farm belt, that this is just another case of unnecessary, almost inexcusable, meddling by a group of Government agencies which do not know what they are doing, how they propose to do it, or why it should be done. I ask that the letter from Mr. Graham be printed in the RECORD as part of my remarks at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WAMEGO MILLING CO.,
Wamego, Kans., April 25, 1944.

Senator ARTHUR CAPPER,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: Events of recent weeks in our territory justify a letter of protest with regard to the general situation, which has been prompted by bungling of the worst sort. Had the administration started out with the intention of putting the farmer completely out of business, they could not have accomplished it in a better manner. The pitiful part of the situation is that we have nothing in sight that would lead us to believe that there will be any change in the near future.

I know of several thousand bushels of corn within a radius of 15 miles of Wamego, which can be bought, but not at the prices established by the Government. These men will not sell their corn for the simple reason that the Government keeps telling how they will raise the price if the farmer refuses to sell at present ceilings. Yesterday they made a new ruling that gives the holders of corn a premium of some 5 cents per bushel but compels them to sell corn only to the Government for the next 60 days. While this ruling is not effective in our territory it is effective in territory from which we have secured our supplies and we are thereby precluded from buying corn for our own territory. As you well know, we serve a large feeding territory in both Wabaunsee and Pottawatomie Counties and we have feeders without any feed going out of business as fast as they can get their stock to market. Our profits on corn are limited to 5 cents per bushel, which is satisfactory and in line with usual mark-up. However, this morning we are hauling corn from Blue Springs, Nebr., a distance of 85 miles, and we paid the seller \$1.21 f. o. b. Blue Springs for this corn. We are allowed to add trucking of 10½ cents per bushel and also our profit of 5 cents, which makes this corn cost the feeder \$1.36½, and this is white corn. We could buy corn locally at \$1.20 or \$1.25 and sell it at some 7 cents less than the Nebraska corn will cost. Yesterday a feeder with 65 head of big steers was in here to get feed of any kind and we were unable to furnish him with a pound of feed. He is driving these steers 3 miles and loading out today. We had at least 20 men in our office yesterday afternoon begging for feed for hogs, and without exception they advised that they were getting their hogs to market as soon as they could get transportation. I am not pointing out exceptional cases but merely trying to advise you of a general situation that exists. I called 22 stations yesterday afternoon and was able to buy 200 bushels of white corn. It is now, and has been for the past 6 weeks, impossible to buy a carload of any kind of corn.

The present administration seems to take great delight in pointing out certain groups and making an attempt to cast some reflection on their patriotism. Now, Senator, I believe that you are well informed on the arguments that are being presented and, further, that you know the people of Kansas as well or better than most men in Congress at this time. It would seem that the time had arrived to inform certain gentlemen that residence in a rural community does not prevent straight thinking. The situation has become intolerable, and unless it is changed the people in Kansas will give the administration an exhibition of patriotism that they will not soon forget.

Very truly yours,

HARRY GRAHAM.

DRAFTING OF FARM YOUTH IN KANSAS

Mr. CAPPER. Mr. President, I wish to call attention of the Senate to a telegram I have received from a number of farmers in Thomas County, Kans. According to their statement 34 out of the 76 class II-C farm youths in that county have been reclassified I-A. They say it will result in closing down more farms in Thomas County, when more food production is going to be required to meet heavy world demands next year.

I have sent this telegram to General Hershey, of Selective Service, asking him to clarify the situation, and also to inform me if the provisions of the so-called Tydings amendment are being followed by local draft boards. So many contradictory statements have come out about how the Conscription Act is being administered that I was unable to answer the senders of this telegram with any degree of certainty.

I ask unanimous consent to have the telegram printed in the RECORD at this point as part of my remarks.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

PAGE CITY, KANS., April 29, 1944.

Senator ARTHUR CAPPER,
Senate Chambers:

Thirty-four out of seventy-six of our II-C farm boys in Thomas County have been reclassified I-A. In most cases it is the last boy left on the farms, the rest have been taken. Average Thomas County farms are two- to four-man units. Operator only one left due to long hours, heat and cold, hard dirty work, and no experience; impossible to replace. Thomas County 100 percent agricultural. Draft board composed of one banker, one clothing merchant, one gasoline dealer. Draft board claims reclassification mandatory from Washington. Local war board instructions under latest date show little change in farm classification. What are the facts? Local war board has not been consulted on these reclassifications. Livestock farms will be forced to liquidate and cut other operations drastically. Please see General Hershey and see if this cannot be rectified at once. We think the Tydings amendment should keep our farm boys at class II-C.

W. E. Engelhardt, Oakley; R. F. Farmer, Colby; D. W. Saddler, Halford; Mrs. Lester Saddler, Halford; Joe Cousins, Menlo; Ray Duffy, Menlo; Frank Wilson, Colby; Lloyd E. Sims, Oakley; W. R. Duffey, Oakley; Roy A. Kistler, Colby; Phillips A. Ullrich, Colby; S. A. Kistler, Colby; Oscar W. Nelson, Winona; Geo. L. Theimer, Colby; Guy E. Olson, Colby; Clarence Waggy, Colby; Lewis C. Lewallen, Colby.

THE USE OF EXTERNAL SOVEREIGNTY FOR SECURITY—ADDRESS BY SENATOR AUSTIN

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD an address entitled "The Use of External Sovereignty for Security," delivered by him at the annual spring meeting of the Section on Internal and Comparative Law of the American Bar Association, April 1944, which appears in the Appendix.]

ADDRESS BY SENATOR JACKSON AT INDIANA DEMOCRATIC EDITORIAL ASSOCIATION BANQUET

[Mr. KILGORE asked and obtained leave to have printed in the RECORD an address delivered by Senator JACKSON on April 15, 1944, at the Indiana Democratic Editorial Association

banquet, Claypool Hotel, Indianapolis, Indiana, which appears in the Appendix.]

ADDRESS BY REPRESENTATIVE COFFEE TO FEDERATION OF CITIZENS' ASSOCIATIONS, DISTRICT OF COLUMBIA

[Mr. CAPPER asked and obtained leave to have printed in the RECORD the address delivered by Hon. JOHN M. COFFEE, a Representative in Congress from the State of Washington, at the thirty-fourth anniversary dinner of the Federation of Citizens' Associations of the District of Columbia, on April 22, 1944, which appears in the Appendix.]

THE POLITICAL SITUATION—ADDRESS BY HON. CLARE BOOTHE LUCE

[Mr. TAFT asked and obtained leave to have printed in the RECORD an address delivered by Representative CLARE BOOTHE LUCE, of Connecticut, to the Ohio Federation of Republican Women's Organizations, at Columbus, Ohio, April 21, 1944, which appears in the Appendix.]

MONTGOMERY WARD SEIZURE—EXCERPTS FROM ADDRESS BY LEON HENDERSON

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD excerpts relating to the seizure of the Montgomery Ward plant from a radio address delivered by Leon Henderson on April 29, 1944, which appear in the Appendix.]

THE FOURTH TERM—ADDRESS BY J. FRANKLIN CARTER

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an address delivered by J. Franklin Carter before the Cleveland City Club at Cleveland, Ohio, April 29, 1944, which appears in the Appendix.]

COMPETITIVE BIDDING IN ISSUANCE AND SALE OF RAILROAD SECURITIES—LETTER BY SENATOR SHIPSTEAD

[Mr. SHIPSTEAD asked and obtained leave to have printed in the RECORD a letter addressed by him to the Chairman of the Interstate Commerce Commission dealing with private sale of railroad securities with commissions to bankers, which appears in the Appendix.]

AN INTERNATIONAL COURT AND FOUR SHERIFFS—ARTICLE BY RICHARD S. CHILDS

[Mr. TAFT asked and obtained leave to have printed in the RECORD an article entitled "An International Court and Four Sheriffs," by Richard S. Childs, which appears in the Appendix.]

PAYMENT IN KIND—EDITORIAL FROM THE SALEM (OREG.) CAPITAL JOURNAL

[Mr. AIKEN (for Mr. HOLMAN) asked and obtained leave to have printed in the RECORD an editorial entitled "Payment in Kind," from the Salem (Oreg.) Capital Journal of April 27, 1944, which appears in the Appendix.]

MARINE IVT. CARLYLE W. VORACHEK—ARTICLE FROM MINNEAPOLIS MORNING TRIBUNE

[Mr. LANGER asked and obtained leave to have printed in the RECORD an article entitled, "Hardy North Dakotan Survives Bomber Crash; 11 Days on Raft," published in the Minneapolis Morning Tribune of February 19, 1944, which appears in the Appendix.]

THE SECOND ANNIVERSARY OF THE FALL OF CORREGIDOR, MAY 6, 1944

Mr. CHAVEZ. Mr. President, notwithstanding the relatively intensive and extensive publicity given to the possibility of General MacArthur running for President of the United States, I have ever

held to the opinion that he has always been more interested in the reconquest of the Philippine Islands than he would be in placing himself before the American public as a candidate for office. His statement last week, to the effect that he is not a candidate for the high office mentioned, bears witness to my contention.

Saturday will mark the second anniversary of the fall of Corregidor, the last stand of our troops in the Philippine Islands. Due basically to inadequate preparation, Corregidor went the way of Bataan. Our flag came down. It is bad enough that our colors were struck and that American generals, for the first time in the military annals of our great Republic, handed over their swords in token of a major surrender.

The leaders of our troops, and the troops themselves, were not sufficiently informed concerning the psychological disposition of the enemy to know of the brutal treatment that was to mark the next chapter of the heroism which they were destined to manifest. The brutality, the insolence, the insults to which they were subjected is now within the ken of every citizen of these United States. They expected to be treated according to civilized methods, as practiced by humane victors throughout history. As an American, I am convinced that the men of Bataan or Corregidor would never have submitted, but rather would have fought to the death, had they known what was in store for them.

The American people will not forget either Corregidor or Bataan, nor will they soon dismiss from their memory the American boys who bled and died in that far eastern outpost. But eloquent words and fond remembrance are not enough to expect from a grateful people or a grateful Government. Even though tardy by many, many months, we should express our concern in the shipment of more and more supplies and men to the Pacific battle lines.

According to all available information issuing from the War and Navy Departments, we now enjoy superiority in naval craft in the Pacific. From the same source we are informed that our air power in the same area is daily indicated with marked dominance over that of the enemy. We need not turn to the departments of Government directly concerned with our military establishments to know that we have millions of men in every branch of the Military Establishment who are fully armed, fully equipped, and fully trained, but who have not seen any action whatever. According to recent directives issuing from various governmental agencies, either stopping or transferring facilities heretofore applied to the manufacture of war goods, our supplies are little short of abundant.

In view of these circumstances, I see no argument against the possibility of even greater resources being placed at the disposition of our Pacific commanders. It is my counseled, meditated, and marked opinion that, insofar as this war is concerned, the Pacific is more important to us than any other area in the world.

Although recent events point to eventual victory, it is still patent that the pace which we are now maintaining will not suffice to bring about an end of hostilities in the Pacific theater for many years, or, let us say, too many years.

I am sure that our circumstances would permit the allocation of still greater strength in the hands of MacArthur and that this is the only means by which we may expect the hastening of the day of complete victory over the Japanese and, as a consequence, the return of our men to those homes for which they are fighting and dying.

On the 6th of this month the Federated Bataan Organizations will hold their first annual convention in St. Joseph, Mo. One hundred delegates from 20 States will convene to study the problems incident to the safe return of their loved ones from the Philippines. These are the mothers and fathers, the brothers and sisters, the wives, and friends of the boys of Bataan and Corregidor whom I have repeatedly assured of my personal support. As we approach the second anniversary of the fall of Corregidor I again express my firm resolve to bring about as complete a solution as humanly possible of the Philippine debacle.

Judging from the regularity, consistency, and persistency with which I have taken to the floor of the Senate impelled by our Pacific problems, it might appear that the cloth of my concern is being worn threadbare. In spite of the possibility of this impression, my purpose is to continue to speak in this vein until the day when the hundreds upon hundreds of men who were snared in the Japanese ambushade will be safely returned to the bosom of their people.

LEND-LEASE EXPENDITURES IN MEXICO

Mr. McKELLAR. Mr. President, charges have recently been made in the newspapers concerning lend-lease expenditures in Mexico. I believe that these charges are incorrect. I have had the Senate Appropriations Committee experts furnish me a statement concerning all lend-lease expenditures in Mexico and I give their report.

It will be seen that our entire Government transactions in Mexico for the years 1941, 1942, 1943, and up to April 1 of 1944 total \$220,499,652. From this sum must be deducted our purchases in Mexico for that period, totaling \$161,023,583. This would leave a total of \$59,476,399.

It will also be noted that we constructed land-plane bases in Mexico totaling \$16,471,057, which would leave \$43,005,342. From this sum must be deducted \$11,360,035 because the Export-Import Bank has made loans in Mexico to that extent, and is certain to have these loans repaid; indeed it has already had repaid to it a large proportion of the loans.

The record of this bank all along the line has been remarkable. Deducting this \$11,360,035 leaves a balance of \$31,645,307.

Another deduction is for advancing for metals, development, operation, equipment, and so forth, by the Reconstruction Finance Corporation of \$10,187,125,

which would leave a balance of \$21,558,082. Likewise, there must be taken from this sum \$2,558,419 for recruitment of farm labor, which would leave \$18,999,663.

The other comparatively smaller deductible items mentioned in the report would indicate that the writer for the Associated Press was wholly inaccurate in his published statements.

The truth is, Mr. President, that the figures given by our staff show that the sum of \$14,924,799 has been spent by lend-lease during 3 1/4 years. This aid has been given for ordnance and ordnance stores, aircraft and aeronautical materials, tanks and other vehicles, vessels and other watercraft, miscellaneous military equipment, facilities and equipment, agricultural and industrial commodities, testing, reconditioning, defense articles, services and expenses, all told amounting to \$14,924,799, which would average about \$4,450,000 a year for the lend-lease aid turned over to the Mexican Government.

Evidently from these figures someone has been misinformed.

Mr. President, I ask unanimous consent to have printed in the RECORD the report from our expert staff, which I hold in my hand.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Lend-lease aid (Mar. 11, 1941, through Jan. 31, 1944) and Government expenditures in Mexico (fiscal years 1941, 1942, 1943, and 1944 as reflected in reports submitted to Apr. 1, 1944)

Lend-lease aid:

Ordnance and ordnance stores.....	\$2,632,194
Aircraft and aeronautical materials.....	9,526,801
Tanks and other vehicles.....	1,979,582
Vessels and other watercraft.....	130,000
Miscellaneous military equipment.....	183,152
Facilities and equipment.....	22,201
Agricultural and industrial commodities.....	16,851
Testing, reconditioning, defense articles.....	427,124
Services and expenses.....	6,894
Total.....	14,924,799

Purchases:

Metals Reserve Company: Antimony, copper, lead, zinc and mercury.....	113,170,974
Defense Supplies Corporation: Fiber, alcohol, rope, lumber and skins.....	31,705,471
Rubber Reserve Company: Guayule and gum.....	2,208,059
Rubber Development Corporation: Guayule, gum and rubber products.....	4,592,714
United States Commercial Company: Skins, zinc, and foodstuffs.....	1,841,302
War Food Administration.....	5,210,048
War Department.....	1,982,123
War Shipping Administration.....	309,300
Interior Department.....	3,597
Total.....	161,023,583

Construction facilities: War Department (land plane bases)..... 16,471,057

Current expenses:

War Food Administration recruitment of farm labor.....	\$2,558,419
Agriculture Department investigation of fruit flies.....	130,186
Agriculture Department control of pink bollworm.....	117,066
Agriculture Department rubber program.....	96,221
Agriculture and War Food general expenses.....	34,848
Navy Department.....	714,172

Coordinator of Inter-American Affairs:

Administrative expenses.....	434,873
Health and sanitation.....	87,600
Coordination committees.....	463,451

Other departments..... 985,924
280,828

Total..... 4,917,664

Loans:

Export-Import Bank.....	11,360,035
Coordinator of Inter-American Affairs.....	102,522

Total..... 11,462,557

Other aid and expenditures:

Reconstruction Finance Corporation advances for metals, development, operation, equipment, etc.....	10,187,125
Coordinator of Inter-American Affairs, rehabilitation of Mexican railways.....	1,500,536
Other departments.....	12,326

Total..... 11,699,987

Grand total..... 220,499,652

¹ Included in the loans figure is \$3,565,899 which has been repaid.

Mr. McKELLAR. Mr. President, at this point I desire to read a letter from Mr. Crowley, as follows:

FOREIGN ECONOMIC ADMINISTRATION,
Washington, D. C., May 2, 1944.
HON. KENNETH MCKELLAR,
United States Senate.

DEAR SENATOR MCKELLAR: In accordance with your request, I am happy to give you the relevant information about our lend-lease aid to Mexico in answer to the statements made by Representative BRADLEY in the House on April 27, 1944.

The facts are that under our lend-lease agreement with the Republic of Mexico, we supply only military items—airplanes, munitions, tanks, and other military vehicles and small watercraft—and industrial equipment for use in arsenals, dock yards, and other facilities used to produce and maintain articles having a military end-use.

The Chief of Staff, the Chief of Naval Operations, and the Secretary of State approved the military aid scheduled to go to Mexico. Our military experts again approve any transfers of such aid to Mexico before they are made.

From March 1941 to March 1944 about one-twentieth of 1 percent of our lend-lease exports went to Mexico. For this period our exports to Mexico by dollar amount constituted less than \$12,000,000. Of this total aircraft accounted for more than 65 percent. Tanks, military vehicles, and other finished munitions constituted most of the balance.

With lend-lease aid definitely limited to military supplies and war-production items, it is obvious that no civilian or commercial aid is included in the program for Mexico. Representative BRADLEY has been greatly mis-

informed in his charges about lend-lease supplies and operations. No cast-iron enamel bathtubs are being sent to Mexico under lend-lease. No railroads or highways are being built or repaired with lend-lease funds. No air-raid shelters for Mexican people are being built by lend-lease. No high-priced Michigan automobiles, or refrigerators, or vacuum cleaners, or any other consumer goods are finding their way across the border under lend-lease operations.

Sincerely yours,

LEO T. CROWLEY,
Administrator.

I take pleasure in submitting these facts for the RECORD.

ONE HUNDRED AND FIFTY-THIRD ANNIVERSARY OF THE POLISH CONSTITUTION

Mr. MALONEY. Mr. President, I doubt that any Member of Congress is unaware of the fact that tomorrow marks the one hundred and fifty-third anniversary of Polish Constitution Day, the day on which a historic document was adopted by the Diet of Poland. I mention the matter today, Mr. President, because of the possibility that the Senate may not be in session tomorrow. If for no other reason, although there are many other reasons, the observance of this anniversary interests Americans because the adoption of the Polish Constitution followed so closely the adoption of our own immortal Constitution. The action taken at Philadelphia most certainly had a bearing upon what transpired in Poland, and there is not one among us who does not deeply regret that while we live in complete freedom under our fundamental law, the patriots of Poland have suffered so terribly under the violence which has interrupted the life of the Polish Nation. I occupy a few moments of the time of the Senate today to pay tribute to the Polish Nation and the Polish people.

People of Polish extraction, by the hundreds of thousands, have come under the shield of the American Constitution. These people and their children, with a deep appreciation of the democratic way of life, have contributed much to the United States. Even before the adoption of our Constitution great Polish soldiers joined the American colonists in their struggle for independence. Kosciuszko returned to Poland—and carried with him American ideals. Pulaski died here. We shall never forget them.

In the great wars in which America has participated since that time—and particularly in the First World War, and this one—the sons and the grandsons of men and women born in Poland have been in the vanguard of the American forces. They have earned the great honors which our country confers upon its heroes—and the undying gratitude of their fellow Americans. At this hour Americans of Polish descent, with Americans of every other descent, are up front in every theater of war. They are on every ocean and in the skies and under the sea. Although their devotion is to America, they have saved a place in their hearts for the land of their fathers—and as they fight they pray for the restoration and preservation of Poland.

Mr. President, I am among those who look toward a complete restoration of the Polish Nation—and toward the preservation of the pre-war boundaries of Poland. It was on the soil of that country that our enemies provoked this war. It is within the realm of possibility that on the soil of Poland this war may come to an end. Whenever and wherever the war is ended, I am hopeful that Poland will return "to its own" and to its rightful place among the nations of the world. Poland has never been hesitant in its fight for right and liberty. It would be sad indeed if an attempt were made to deny Poland that which is Poland's.

If time permitted—or I felt there was a need—I would dwell at greater length upon the observance of Polish Constitution Day. I have done the least that I might do, Mr. President, by making this brief statement—a statement which is intended to be a tribute to the sturdy Polish heroes of days gone by—and to those men and women of Polish descent who fight for freedom, and for a return to understanding and peace and justice, and the restoration of the dignity of man all over the world.

Mr. GREEN. Mr. President, tomorrow, May 3, will be the one hundred and fifty-third anniversary of the adoption of the Polish Constitution, the first in continental Europe to recognize the political rights of the townsmen and the common people.

In 1791 Poland was partitioned between Germany, Austria, and Russia because she would not surrender to them, but in opposition to them adopted the constitution of May 3 and thus accepted the principles which guaranteed freedom to all her citizens. It is possible that Poland could have escaped partitioning if she had abandoned her ideals of right, justice, and liberty.

In 1939 Poland fell because she valued liberty and honor more than life under foreign rule. She could have protected herself from the dreadful sacrifices and defeats by even superficially conceding to the rule of Nazi dictatorship. Her gallant stand is emblematic of the cause for which the United Nations stand united today in the present conflict.

So this is an appropriate time for us Americans to pay our tribute to that great country, and I wish to do my small part, because I visited Poland 10 years after its resurrection, at the end of the First World War. That visit made a deep impression upon me. It was the fulfillment of a wish of many years to visit that country, whose tragic history had moved me, whose art I had admired, whose people had charmed me, and whose struggles upward I wanted to witness. The occasion was some invitations from Polish friends, and they and their friends gave me every opportunity to see all parts of the country and all phases of Polish life.

I visited the three parts which until the First World War were respectively under German, Austrian, and Russian domination. I went from Poznan on the west to Wilno on the east, and from the high Tatra Mountains on the south to

the Baltic Sea on the north. I met all sorts of people—the president in the old Royal Palace Wawel, noble families in their fine old houses, and peasants in their cottages on the farms. I found everywhere cordial hospitality and a personal charm which won my heart. Everywhere was noticeable the extraordinary earnestness of the people in working to rebuild their war-swept and divided land. If there was one thing which impressed me more than anything else it was the very ambitious plans for Poland's rehabilitation, and the great progress already achieved in the short 10 years of its independence.

It was my privilege to be the guest of the President of Poland at the reopening of the palace on the historic Wawel, in Krakow. I shall never forget that beautiful recognition, in halls magnificently restored by public subscription after 100 years of abuse by the Austrians, who used them as soldiers' barracks. It was a great event for all Poland because it served as a symbol of the restoration of Poland itself.

On that occasion there was given me a medal, on the one side of which is a portrait of Washington, and on the other side are the portraits of Pulaski and Kosciuszko. It is dedicated to the United States of America. Let it, too, serve as a symbol. If we look at our history, we see Washington the great general, a statesman, a patriot, the Father of his Country, and at first we see him alone. If we study our history a little more closely, we see others who stood at his side, who as soldiers fought with him, who as men of judgment counseled him, who as friends of America and liberty encouraged him. As he was the Father of his Country, so they were the sons of liberty, and none of them were more worthy of our respect and admiration and affectionate remembrance than those two great Poles, the gallant Kosciuszko and the young, heroic Pulaski.

As they were the sons of liberty, so the Americans of Polish descent are the sons of liberty of today. We count on them to fight for liberty now, as their predecessors fought for it during our Revolutionary War. Some of the younger men are actually in the present war. The rest who stay at home are contributing to the war effort in every way they can, either themselves or through the officials they elect to represent them.

Today it is sad to recall that visit to Poland and those impressions received there, because Poland now is again under the heel of the conqueror, devastated, and subjugated. On the other hand, it is cheering to recall those experiences because they offer hope for the future. America and Poland are still friends. With America's help Poland will rise again under Franklin D. Roosevelt as she did before under Woodrow Wilson. If the Polish nationality can perform the miracle of enduring under the hardships of partition and suppression by three foreign nations for a century and one-half, it can surely endure these same tragic conditions for the relatively short time we hope this Second

World War will last. As after the ending of the First World War, so after the ending of the Second World War, it is to the interest, not only of Poland, but of the world, that Poland rise again to the status of a great nation. The Polish-Americans, who from ancient Poland have come to this new country of America, will, I know, continue to show that same vision, ability, and energy which created the new Poland after the First World War.

Mr. DAVIS. Mr. President, tomorrow, May 3, will mark the one hundred and fifty-third anniversary of the Constitution of the Republic of Poland. May 3 is a day dear to the heart of every citizen of Poland, and to every man who knows the worth and honor of human freedom.

Tomorrow will find our relentless war against barbarism and oppression continuing apace, and tomorrow we and our allies should pay high honor to our faithful Polish comrades-in-arms who were the first to defy the monster, Nazi aggression.

No one, I am sure, will ever forget the heroic stand made by the armies and peoples of Poland. No one will discount the tremendous heights of gallantry and courage which were achieved by the indomitable defenders of the bombed and battered city of Warsaw. In all the annals of time, no city has ever been more determinedly or more strongly defended. The defense of Warsaw will live forever—one of the outstanding monuments to the bravery and tenacity of free men.

Though the forces of oppression are bivouacked in the cities and in the towns of Poland, though the citadels of Warsaw, Lwow, and Lublin echo to the conqueror's heel, the battle for Poland does not end. By day and by night the unbroken forces of patriotic Poland strike out against the invader. Indeed, the battle for Poland cannot end until every invader is driven out, and the land of the Vistula is free again.

So, Mr. President, as we reaffirm our faith in the certainty of the inevitable victory, let us pause to pay homage to the stalwart sons of Poland who preferred death to slavery, and who, by their unyielding gallantry, brought untold glory to the name of Poland and to the cause of free men everywhere.

Let us here express the firm resolve that the nation of Poland shall be restored to its full dignity and freedom before another anniversary of its historic Constitution Day has passed.

Mr. BRIDGES. Mr. President, tomorrow, May 3, is the day which Polish people throughout the world set aside as a national holiday. In common with the other nations of the world who are engaged in fighting the Axis enemies, the Poles view this day as their day of liberation—for it commemorates the signing on May 3, 1791, of the Polish Constitution.

When enacted, the Polish Constitution was one of the great documents of freedom known to man. Polish patriots had made themselves familiar with what the most advanced philosophers of the eighteenth century held to be the rights of man. The imprint of the

French and American Revolutions were fresh on their minds.

This knowledge was distilled in the minds of these great men until there evolved a constitution most adapted to the needs of the Polish people.

Though this was a happy milestone on the world's path to freedom, the immediate consequences to the Polish people were tragic. Catherine the Great, sitting on her throne in Russia, feared the Polish germs of enlightenment would infect her own down-trodden masses. The King of Prussia and the Emperor of Austria could not stand idly by and witness a Poland free, independent, and democratic.

These three mighty nations combined their military resources and hurled them at the Polish people. The Poles fought in their traditionally heroic fashion, but the odds were too much. Four years after the signing of the Polish Constitution, the heart of a free Poland ceased beating. Poland no longer existed as an independent nation.

On every May 3 through the centuries that followed, the Polish people never forgot to remind the world that, while the heart of Poland was gone, its soul continued to live.

In 1918, when the Allied Nations of the world were redrawing the map of Europe, they took cognizance of Polish nationalism and restored Poland to the family of nations.

In recent years, a hostile German Army set foot on Polish soil, driving the legitimate Polish Government from its capital. This Government, now functioning in London, is again exhibiting to the world the burning spirit of a free Poland.

We, as one of the three major nations fighting in the United Nations, cannot permit the spirit of a free Poland to escape when, at the peace table, we are confronted with the problems concerning the restoration of that nation.

Mr. President, I think it very appropriate that at this particular time notice should be taken of the anniversary of the adoption of the Polish Constitution, and that American thoughts should return for the time being to the problems of the Polish people, who are noted for their fight for freedom down through the centuries.

Mr. JOHNSON of Colorado. Mr. President, as we sing that beautiful, sacred, prayerful hymn of hope, When the Lights Go On Again All Over the World, we are thinking, too, of that great light, the Constitution of Poland, that temporarily has been blacked out. Tomorrow, May 3, 1944, marks the one hundred and fifty-third anniversary of the signing of this great light of freedom, the Polish Constitution. It was originally signed in 1791, not under the pressure of revolution and armed soldiers, but in a peaceful assemblage of King, senators, deputies, ministers, and citizens. It was voluntarily approved amid rejoicing and good will on all sides.

There is no rejoicing in Poland today. Only a firm hope and a fixed determination are to be found there, on this anniversary this year. That hope and that

determination to restore the constitutional Poland is shared by the friends of Poland everywhere, and especially in the United States. I know that I am speaking for every Member of the United States Senate when I say this.

A Russian historian, A. Pogodin, professor at Kharkov University in 1911, said:

Poland's best sons fought to save their country. The Constitution of the 3d of May 1791, created an order of things guaranteeing the rebirth of Poland. Had these reforms been put into effect, Poland would have become a sufficiently strong state. But her neighbors did not permit the Polish commonwealth to strengthen itself in this way. Russia and Prussia—but recently enemies—clasped hands across Poland. The Constitution's supporters, guided by their ardent desire to save their country, knew they were subscribing to it "in an hour fraught with danger to the commonwealth."

Speaking of the Polish Constitution the great English statesman, Burke, said:

We have seen anarchy and servitude at once removed; a throne strengthened for the protection of the people without trenching on their liberties * * * not one man incurred loss, or suffered degradation. All, from the King to the day laborer, were improved in their condition. Everything was kept in its place and order; but in that place and order, everything was bettered. To add to this happy wonder—this unheard of conjunction of wisdom and fortune—not one drop of blood was spilled; no treachery; no outrage; no system of slander more cruel than the sword; no studied insults on religion, morals or manners; no spoils; no confiscation; no citizen beggared; none imprisoned; none exiled. The whole was affected with a policy, a discretion, a unanimity such as have never been known before on any occasion; but such wonderful conduct was reserved for this glorious conspiracy in favor of the true and genuine rights and interests of men. Happy people, if they know how to proceed as they have begun. Happy prince, worthy to begin with splendor or to close with glory a race of patriots and of kings and to leave a name which every wind to heaven would bear.

A German writer, Friedrich Raumer, said in 1832:

The Poles gave themselves the constitution of the 3d of May without pillage, murder, bloodshed, or destruction of property. With wisdom, fairness, and measure they united the nicest respect for all personal and property rights that could be preserved, with the extermination of all fundamental evil. An admirable work of this kind deserved the greatest permanence, the highest happiness under the most auspicious conditions. So double responsibility rests on the soiled hands that stained a clean act, on the slanderers who libelled it, on the criminals who destroyed it.

A. Bruce Boswell, an eminent English scholar, in 1919 paid tribute to the 3d of May Polish Constitution in these words:

It is generally forgotten that, before her fall, Poland completely reformed her Constitution. At one stroke the Poles brought their state up to the level of western Europe. The work was done by a small band of men, and seldom have great ideas so rapidly permeated a community.

The chief ideas of political reform were expounded by Staszyc, a member of the small middle class. These ideas were taken up by Kollontaj, Ignacy Potocki, and others and

culminated in the great 4 years' parliament and the 3d of May constitution of 1791. This great parliament is unique in history, for, at a time when the French noblesse were being forced to give up their rights, the Polish gentry voluntarily renounced their privileges. It is often forgotten that there were two revolutions at this time besides the French Revolution—those in Belgium and Poland. The Polish reformers embodied their ideas in a constitution. The following reforms were passed:

1. The government was divided into an executive, a legislature, and a judiciary. A strong executive was formed by making the monarchy hereditary and increasing its powers. The King and the council of ministers were to form a permanent executive body responsible to the Diet.

2. The Dietines lost their power and the Diet became a real independent legislative body. The "liberum veto" and the confederation were both abolished. Thus the idea of the state finally triumphed over provincial separation.

3. The gentry gave up their immunity from taxation, the middle class was enfranchised, and municipal autonomy was restored.

4. The army was increased to 100,000 and heavy taxes were imposed on the gentry.

5. Complete toleration for all religions was confirmed.

6. The peasants were taken under the protection of the law and might make agreements with their masters to pay rent instead of continuing the old system of forced labor.

This constitution was greeted with a chorus of praise all over Europe, its greatest admirers being the Emperor Leopold II and our own Burke, who contrasted its moderation with the excesses of the French revolutionary leaders.

Mr. President, in connection with my remarks I ask unanimous consent to have printed in the RECORD at this point a letter written to me from Walsenburg, Colo., and signed by Mrs. Mary Socha, Andrew Socha, and Ignatz Waski, and also a letter addressed to me from Chicago and signed by Marya A. Porwit, Jadwiga Karłowicz, and Barbara A. Fisher.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WALSBURG, COLO., April 13, 1944.
Senator EDWARD C. JOHNSON,
Washington, D. C.

DEAR SENATOR: We, as citizens of these United States of America and members of Polish National Alliance Council No. 5, call your attention to the following facts:

On the 3d of May 1791 the Kingdom of Poland, already reduced by the tripartite partitions, unanimously adopted a new constitution which provided for liberty and equal rights for all men. What other nations and people did with bloodshed, Poland, with her long tradition of tolerance, accomplished by peaceful means.

In these critical times, when not only Poland but the whole world is fighting against the dark forces of oppression and totalitarianism, it is fitting that this date be commemorated by us in the United States.

The Poles, always ready to support the democratic cause, were again the first to stand against the enemy of freedom. Again they followed their motto: "For your freedom and for ours."

Could you, sir, on the 3d of May, call this fact to the attention of the American Senate? It is our duty as Americans to remember an ally who, though faced with insurmountable obstacles, would rather die than surrender.

The constitution of the 3d of May is another monument that testifies to the democratic spirit of Poland.

Respectfully submitted.

Mrs. MARY SOCHA.
ANDREW SOCHA.
IGNATZ WASKI.

POLISH WOMEN'S ALLIANCE OF AMERICA,
Chicago, Ill., April 7, 1944.

The Honorable EDWIN C. JOHNSON,

The Senate, Washington, D. C.

SIR: The 3d of May is celebrated by all Poles, regardless of where they are, as a national holiday in commemoration of the adoption of a constitution May 3, 1791. Like our own constitution, the Polish constitution of May 3d is a document guaranteeing freedom and democracy to all the peoples of Poland.

In view of the fact that Poland is our true and tried ally in the struggle against the enemies of civilization, and was the first to take up arms unaided against Hitler in spite of overwhelming odds and certain defeat, and continues the gallant fight at tremendous sacrifices, we believe it is fitting that the Congress of the United States express America's friendship for the people of Poland and their exiled government in London through appropriate discussions and resolutions on the floor of the House and Senate on May 3d.

Through such action on the part of our Congress, the people of Poland will again be reassured that their cause is not forgotten and their outlay in sacrifices is not in vain.

The 60,000 members of the Polish Women's Alliance of America will be grateful to you, sir, for any action you may take in originating or supporting such discussions.

Respectfully yours,

MARYA A. PORWIT,
Secretary.
JADWIGA KARŁOWICZ,
Editor.
BARBARA A. FISHER,
General Counsel.

Mr. AIKEN. Mr. President, I have here a very excellent address prepared for presentation to the Senate by the distinguished senior Senator from Indiana [Mr. WILLIS], who is unavoidably absent today. It is a tribute to our ally and sister republic, Poland, and to the millions of American citizens of Polish birth or descent. The Senator from Indiana had hoped to deliver the address on the floor of the Senate, but is unable to be present today. I ask that it be printed in the body of the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. WILLIS. Mr. President, in the last decade of the eighteenth century Poland was for the third time partitioned by three aggressive powers of Europe because she disagreed with their dictates as to her destiny. By adopting the constitution of May 3, 1791, Poland challenged the right and might of her despotic neighbors to control her future as a free and autonomous nation. In the face of powerful opposition and threats of imminent danger to her national independence, Poland boldly reaffirmed her traditional loyalty to the ideals of right, justice, and liberty for all men, regardless of their race and creed, or social and political status.

Although we are today joining with our Polish friends in celebrating their national holiday—the one hundred and

fifty-third anniversary of Poland's first constitution—our minds naturally revert to a critical era a few years previous to the formation of Poland's constitution, when our own country was waging a bitter struggle for freedom. In the year 1776, there came to this country a Polish general by the name of Kosciuszko, a warm personal friend of Benjamin Franklin, who soon after his arrival was commissioned a colonel in our Revolutionary Army. History records that many of our successes in that memorable war were attributed to the leadership and strategic planning of this man. He was an expert engineer and was engaged as chief engineer in constructing the fortifications at West Point, and later became adjutant to General Washington. At the victorious termination of that war, he received the thanks of Congress with the brevet of brigadier general.

Imbued with the same spirit that actuated him in fighting for America's freedom, Kosciuszko returned to his native country of Poland, and took up the battle for the freedom of his own people. He was one of the Polish national leaders in bringing about the adoption of his country's first constitution in 1791. Since that memorable time, enshrined in the heart of every Polish patriot, Poland has annually celebrated May 3 as a national holiday. Today those brave people cannot do just honor to this occasion. Their country is overrun and despoiled by a brutal enemy, her citizens are prostrate, her children dispersed or in concentration camps, while thousands of her sons are fighting under the leadership of our flag.

The ideals and the national interests of Poland and the United States have run in somewhat parallel courses. Her citizens have contributed to the society and the culture of America. Today 10,000,000 of the people of Poland are loyal citizens of the United States, and are contributing to the welfare and safety of our Nation.

We in America are grateful for the assistance given to us in our hour of travail by one of her illustrious sons, and are truly mindful of this day, and of our obligation to Poland. We are shedding precious blood together on world battlefields in an endeavor to preserve ideals of freedom and liberty for all nations of the world that we hold historically in common.

The rights of Poland were invaded again in 1939, and the iron fist of Germany struck on this well-nigh defenseless nation the spark that started the present world conflagration. Her cause is a symbol of that for which we fight. It becomes the duty of Poland's allies to remind the world that Poland was not only the first nation in Europe to write a constitution granting individual rights to all her citizens, but is the personification of what the civilized world fights for today.

Poland's contribution to the war effort of the Allied Nations, and her faithfulness to the ideals of freedom and justice, deserve to be especially emphasized at

this moment, when the specter of appeasement threatens her national existence.

We in America know how to appreciate freedom and we know the meaning of the rights of men, as guaranteed by a constitution born from the tribulations of oppression. We are proud, and have been proud for a century and a half, that the sacrifices, the wounds, the bereavements of the Revolution and birth of our Republic have been significant to ourselves, and we have been able to enforce on other peoples of the world a decent respect for the freedom thus won in toil and tears.

For this we thank our geographic isolation, as well as the determined spirit of our patriotic founding fathers of the Republic, imbued by the same love of freedom possessed by the patriots of Poland.

Situated in a comparatively hard-held corridor, between powerful and warlike peoples, her natural resources a rich prize for covetous conquerors, smaller Poland relies on her spirit, as well as on the vaunted advancement in civilized procedure between nations, to which this war and the previous world conflict are at least nominally dedicated.

Poland and the United States are sister republics, bound together by similar ideals in a world largely populated by nations dedicated to world empire. We have proclaimed in prosecuting two wars in the present century that we fight for principle and not for gain. The proposition to which our Nation is dedicated today is the preservation of ideals, which in private lives are characterized by the spirit of brotherhood, the teachings of Christianity. We have subscribed to the recent promulgation as world tenets of the principles on which our Nation is founded. Some have inadequately stated and described them as the "four freedoms." On this one hundred and fifty-third anniversary of this sister republic, I call attention to the hope which still actuates Christian citizenship in this country as well as in what is left of Poland, the hope that under pressure of world empire we do not throw to the four winds the basic freedoms for which America and Poland were created.

We cannot do less than bring to the nations endeavoring to establish a free world the justice of Poland's demand for her own just place in the new order.

Mr. JACKSON. Mr. President, in recognition of the celebration of the anniversary of the adoption of the Polish Constitution on the 3d of May, as a tribute to Poland and as an expression of faith in the thousands of patriotic citizens of Indiana who are of Polish ancestry, I ask unanimous consent to have printed in the RECORD a very brief excerpt from an article entitled "Poland Fights the Nazi Dragon." The excerpt is entitled "What Poland Has Done for Us." I ask unanimous consent to have it printed, together with the names of the persons who have requested that the tribute be made.

There being no objection, the excerpt, together with the names of those requesting the tribute, was ordered to be printed in the RECORD, as follows:

WHAT POLAND HAS DONE FOR US

1. Poland went to war for a principle. She rejected the unethical and unrealistic policy of appeasement, which would have led to world enslavement.

2. Poland was first to fight the German aggressors. In the words of Postmaster General Frank Walker, she is "the mother of the United Nations."

3. By her people's enormous sacrifice and courage, she gave Great Britain and us in America what we needed most: time to realize the danger and prepare.

4. For her lone resistance against terrific odds, Poland paid as no other nation in the world has paid.

Her people were made slaves—35,000,000 of them.

Her wealth was stolen.

Her culture, schools, libraries were destroyed.

Her churches were closed.

Two hundred and sixty thousand soldiers and civilians (including 60,000 in the heroic defense of Warsaw) were killed during the military campaign.

Two million five hundred thousand were executed or died in concentration camps.

One million nine hundred thousand civilians and prisoners of war were made slave laborers in Germany.

One million five hundred thousand were deported to Russia.

Not one but 386 Lidices in Poland—386 villages burned to the ground and all inhabitants killed.

5. Poland did not sign an armistice.

6. Poland is the only country in Europe that did not produce a Quisling.

7. In spite of merciless wholesale persecution, Poland is still fighting, has been fighting since September 1939—almost 5 years—fighting on land, in the air, and on the sea—fighting both at home and in exile.

Poland's armed forces now number fifth among the United Nations—over 200,000 men in the field.

Poles defend the Scottish coast.

Poland has in the Near East an army of over 100,000.

Poland's navy helps convoy munitions to Russia.

Poles participated in the battle of Tobruk, at Narvik, in the evacuation of Dunkerque, in the Tunisian campaign, and in the Sicilian invasion.

Poland's air force played a decisive role in the Battle of Britain, which was the turning point of the war, shooting down one out of every eight enemy aircraft in that battle.

8. The Poles continue to fight in temporarily enslaved Poland.

They force Germans to keep large garrisons there.

They sabotage the German war effort.

They conduct organized warfare against the German invader.

They destroy German supplies and wreck German trains en route to Russia.

Underground Poland circulates over 100 secret newspapers which direct the resistance of the civilian population of Poland.

Every man, woman, and child in Poland is our ally and they will never give up.

This Poland has done for you and me—Poland fights the Nazi dragon.

Miss Bernice Henclewski, South Bend, Ind.; Sophia V. Iwasieczko, Whiting, Ind.; John Kapica, Michigan City, Ind.; Mrs. K. Kaptur, Hammond, Ind.; Mrs. H. Kesak, Hammond, Ind.; Mrs. Sophie Kocot, Hammond, Ind.; John Lass, Michigan City, Ind.; Mr. and Mrs. Glem J. Markonski, South Bend, Ind.; Mrs. Anthony Meleczo, East Chicago, Ind.; Joseph Pasula, St. Albert Society, P. N. A. No. 1456, Michigan City, Ind.; G. W. Pers, St.

Casimirs Society, P. N. A. No. 226, Hammond, Ind.; Miss Theda Plocka, South Bend, Ind.; John Rogowski, Polish National Alliance, Group No. 1120, La Porte, Ind.; Miss Sophia Siemion, Gary, Ind.; W. Sychalski, Michigan City, Ind.; Mrs. Alersandra Szezerbowska, Hammond, Ind.; Mrs. Julia Tolpa, Gary, Ind.; Victoria Twaslerzko, Whiting, Ind.; Miss Helen Zielenski, Gary, Ind.; Myron Sumedlouski, Gary, Ind.; Michael Karczmarczyk, Gary, Ind.

SEIZURE OF THE MONTGOMERY WARD PLANT

Mr. BROOKS. Mr. President, few things, if any, have happened during my service in the Senate of the United States that have brought such a spontaneous flood of distressing letters, telegrams and telephone calls from the people in every walk of life in the State of Illinois as has the seizure of Montgomery Ward & Co.'s mail order house and the forcible eviction of its president, Sewell Avery, from the offices and property of the company.

This firm has supplied the civilian needs of people of moderate means in the peaceful civilian pursuit of life for more than 70 years. The disgraceful spectacle of the Attorney General of the United States racing to Chicago and ordering Federal troops to invade the premises and evict Mr. Avery has struck a note of shocking horror to the hearts of the people, not only of Illinois but throughout the entire country.

On the eve of what is expected to be the launching of the greatest invasion force in all recorded time, where the gallant sons and fathers of America are to attack the continent of Europe and to put down tyrants and stop the arrogant aggression of despots, to have the Federal troops of this country used to invade a civilian business institution in America has done more than any other thing, in my judgment, to disturb, even destroy, the confidence of the loyal American people in the purposes for which we are making and will make such gigantic and terrific sacrifices in war.

I shall not attempt to discuss the events leading to the controversy between the management of Montgomery Ward and the War Labor Board which resulted in this unwarranted Executive aggression. That issue is now before the Federal court, where it should have been originally, and where Mr. Avery tried his best to have that issue determined. I only wish to discuss the Gestapo tactics used before it was presented to the court. The law under which this disgraceful procedure was undertaken was passed by the Congress, but was in no sense intended to be an all-out grant of power that would destroy the liberties and the protections of the American citizen earned and provided by the sacrifices, not only of our forefathers, but of men and women of the present living generation.

That law provided:

The power of the President under the foregoing provisions of this section to take immediate possession of any plant upon a failure to comply with any such provisions, and the authority granted by this section for the use and operation by the United States

or in its interests of any plant of which possession is so taken, shall also apply as hereinafter provided to any plant, mine, or facility equipped for the manufacture, production, or mining of any articles or materials which may be required for the war effort or which may be useful in connection therewith.

It is notable that the Congress specifically limited this unusual authority in connection with the Government's possession of "any plant, mine, or facility equipped for the manufacture, production, or mining of any articles or materials which may be required for the war effort or which may be useful in connection therewith." It did not provide for the taking of any plant that merely distributes articles that might in some manner be useful to the war effort. If the taking of Montgomery Ward by force at the point of bayonets under military command is authorized and the eviction of those whose responsibility it is to conduct such a business is warranted under any present law, then every little store in America handling rakes, forks, shovels, or even garden seeds, can be declared by this fertile-minded Attorney General to fall within its scope, and the Congress find itself today in the position of having granted power to the executive branch of our Government which may wipe out fundamental protections of our constitutional form of government under which we wage such gigantic war in the name of freedom.

I understand that an investigation has already been undertaken by the Senate Judiciary Committee to determine the legality of Executive orders under which our distressed people have been hampered, hindered, and sorely perplexed.

I urge in addition the passage of the resolution presented by the distinguished Senator from Virginia [Mr. BYRD], which provides as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investigation of the action of the Attorney General of the United States in seizing the plant of Montgomery Ward & Co., in forcibly removing the chairman of its board of directors from the premises, and in the use of military force in connection therewith, with a view to ascertaining whether such action was warranted and authorized under the laws of the United States.

For the purpose of this investigation, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-eighth Congress, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable.

The fact that this controversy is finally before the court and the troops have been withdrawn does not alter the fact that the troops were used. The courts were in session in the first instance, and the Attorney General was armed with the law; and when, in the sincere belief of his rights as a citizen, Mr. Sewell Avery decided not meekly to yield to the ever-growing encroachment of the executive power over the lives and rights of our

people, the Attorney General could have immediately presented his case to the Federal court. Instead, he resorted to the arrogant and terrifying tactics of calling the troops, ordering them forcibly to evict the head of the company, and then, in an unusual procedure, at approximately 11 o'clock at night, in a special court session closed to the company representatives, the press, and the people, attended only by the Attorney General and other Federal officials whom he chose to have present, he secured a temporary order against the officers of the company prohibiting interference with his administration of a business devoted to the distribution of civilian goods.

I repeat, nothing has happened in the United States of America since the war began that has so shocked the sense of justice in this free land as this disgraceful performance. For years, all over the world, people have been driven at the point of bayonets, under dictatorial edicts and commands, aided by the use of troops, away from any form of representative government. This movement of the rise and power of dictators has grown until the whole world is engulfed in a terrible and terrific war.

For 10 years in America there has been an ever-growing concentration and entrenchment of executive power. Countless times throughout America the fear has been expressed that our participation in this war would cause a demand for the granting of so many additional unusual powers under the guise of war necessity into the hands of this executive group that they would use them to destroy the remaining liberties of our people. This unfortunate experience has only given added impetus and seeming justification to that growing fear at a time when we need the complete, united effort and patriotic fervor of all of our people to fight this war to a successful conclusion in the cause of American liberty.

The flood of communications of protest that has come to me is a revelation as to the depth of the concern in the minds of the people in every walk of life within the confines of the State I have the honor to represent. One minister of the gospel in a little town far removed from the city of Chicago writes:

I am not interested in the C. I. O. nor Montgomery Ward, but I am interested in the United States, her Constitution, freedom, and rights. Is Congress going to stand by and not do more than talk, or will she act?

This, the most recent demonstration of the usurping of such unwarranted power, has caused the people of our Nation to turn in distress to their Congress, pleading—yes, demanding—that we act as their chosen representatives in their behalf.

The action of Sewell Avery, a distinguished, courageous, loyal, patriotic and devoted American, has not only received the complete appreciation and approval of the officers of his company and the overwhelming majority of the stockholders of his company, but should also receive the overwhelming approval of the stockholders of the great corporate entity of the United States; namely, the citizens of America.

Through the past 10 years too many people have feared and shied away from the tactics employed by a band of wilful men who would drive this Nation into submission through the tactics of smearing them, threatening to indict, or indicting them, and now evicting them at the point of a bayonet, utilizing the armed forces which were intended by the people and their Congress to be utilized to stamp out dictatorship everywhere, not to establish it here in America.

These totalitarian tactics are not justified merely because Montgomery Ward is a big institution. It is a big institution. The people whom it serves number perhaps 30,000,000, but it has the same right to the protection provided by the law of this land as the humblest of the thirty millions who patronize it for civilian goods.

To say that Sewell Avery is a big man is to speak the truth. He has rendered great service to his country by not meekly yielding to the bluster of an executive agent. By demanding his full rights as a free American he has brought to the surface the lurking subterranean menace that has been seeking to destroy the Ship of State upon which 130,000,000 people seek safe voyage through the war, to a greater destiny as a continuing, completely free people.

The people have been willing to make any sacrifice to support the efforts of Congress in raising a vast armed force to fight the Japs and the Germans, but they never intended that this Army should be used to fight and destroy American liberties or American institutions.

Mr. President, I cannot overemphasize my deep convictions concerning the grave responsibility of Congress in this hour. The people of America are looking to us to stop this gun-point and bayonet enforcement of bureaucratic edicts and directives. They must be stopped. I am fully aware that any proposals made by an individual Member of the Senate in this connection will be referred to the Judiciary Committee. Since that committee has already instigated an investigation of the action of the Attorney General in this case, I urge an immediate and painstaking effort on its part to find the remedy to prevent any recurrence of this disgraceful experience. To this end I will give my continued, unqualified support.

If in its zeal to support the war effort, Congress has enacted any laws under which the action of the Attorney General in his use of Federal troops to evict men whose legal responsibility it is to conduct the affairs of any business distributing civilian goods is declared legal by the Federal court, it is our duty as Members of Congress immediately to review and revise such laws or to so define and limit the authorities granted to the Executive branch that even the most fervent bureaucrat cannot again misinterpret the intention of Congress.

The Judiciary Committee of the Senate has constitutional authority to deal with matters concerning the approval of men who seek to become Federal judges; it has the authority and responsibility to review the qualifications of men who

occupy the high office of Attorney General; and it has the authority now to investigate the legality of Executive orders.

I urge the immediate passage of the resolution offered by the distinguished Senator from Virginia [Mr. BYRD], which will impose a further duty upon the Judiciary Committee to make a complete investigation of the action of the Attorney General of the United States in the seizure at the point of bayonets of this plant of Montgomery Ward & Co., and the use of Federal troops in forcibly ejecting the chairman of the board of directors from its premises. This unwarranted use of fixed bayonets, rather than the use of the processes of our country in the first instance, tears at the very vitals of American liberty.

Mr. President, there are some who counsel that delay would be good to establish a cooling-off period in this present matter. There are times in ordinary controversies when delay has a beneficial effect, but this has gone far beyond the confines of an ordinary controversy. This was a willful substitution of bayonets for the processes provided for in the American courts of justice. There should be no delay on the part of Congress in guaranteeing to the people of this Nation that whether it be in war or peace the civil liberties of this land will be secured.

Rather than delay, sir, the Congress has a duty to act with dispatch to reassure the people of America today that now and throughout the remainder of this war the Congress will truly be the representative of the people and will guard and protect their precious civil rights.

INVESTIGATION OF LEGALITY, ETC., OF EXECUTIVE ORDERS

Mr. WHERRY obtained the floor.

Mr. SHIPSTEAD. Mr. President, will the Senator yield to me in order that I may ask to have inserted in the RECORD a resolution?

The PRESIDING OFFICER (Mr. LUCAS in the chair). Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. WHERRY. I yield.

Mr. SHIPSTEAD. Mr. President, in the absence of the chairman of the Judiciary Committee, and in view of the pertinent remarks of the distinguished Senator from Illinois [Mr. BROOKS] I invite attention to the fact that Senate Resolution 196 gave authority to the Senate Judiciary Committee or a subcommittee thereof, to examine into the legality, constitutionality, and legislative authority of the various Executive orders to which reference has been made. The chairman of the committee has informed me that his subcommittee is already investigating the acts of the Attorney General in this very important case now being discussed. Authority was given to the Judiciary Committee under the resolution which I hold in my hand and which, as amended, was adopted by the Senate of the United States on March 30, 1944. I ask that the resolution be printed at this point in the RECORD for the information of the Senate. The resolution was

adopted by the Senate with appropriate amendments, giving the authority to which I have referred to the Judiciary Committee of the Senate.

There being no objection, the resolution (S. Res. 196) was ordered to be printed in the RECORD, as follows:

Whereas it is alleged that the people of the United States are apprehensive and disturbed by the directives, rules, and regulations administered by the various Federal governmental bureaus and agencies in the executive department; and

Whereas it is alleged that these rules and regulations have the effect of law; and

Whereas it is alleged that these bureaus and agencies have the power, or assume the power, to punish the violators of their rules and regulations by fine or imprisonment or both; and

Whereas it is alleged that these bureaus and agencies claim to derive their authority to punish violators of these rules and regulations by fine or imprisonment from various Executive orders; and

Whereas it is alleged that during 1933 and subsequent years, during and including 1942, there have been more than 3,500 Executive orders issued by the President and, during and including the same years, there have been approximately 4,300 laws enacted by the Congress and signed by the President; and

Whereas it is alleged that the Government of the United States has gone far in its departure from a government by legislative enactment by Congress to a government by Executive order; and

Whereas it is generally believed this alleged departure from constitutional government has created confusion, waste, and inefficiency in administration of governmental affairs and resentment amongst our people and has retarded the war effort: Therefore be it

Resolved, That the Senate Committee on the Judiciary be hereby directed to determine the source of constitutional or legislative authority upon which these Executive orders are based, the validity of same, what effect their enforcement has had upon our national economy and our constitutional democracy, and report to the Senate the result of such labors as the committee finds may be helpful in preserving to the Congress its constitutional authority and place in the legislative process.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-eighth Congress, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SEIZURE OF MONTGOMERY WARD PLANT AND LIMITATIONS ON SALE OF CORN

Mr. WHERRY. Mr. President, my office, I suppose, is no different than the offices of other Senators in the United States Senate in that many letters and wires are being received protesting the inadvertent seizure of Montgomery Ward & Co. These correspondents are both indignant and fearful, and justifiably so. I have received wires from

all over the State of Nebraska, the contents of which in no uncertain language express the reactions of our Nebraska citizens.

Let me read, at this point, a few of these telegrams:

OMAHA, NEBR., April 27, 1944.

HON. KENNETH WHERRY,

Senator, Senate Office Building,
Washington, D. C.:

What is Congress going to do about the autocratic and un-American way of handling the Montgomery Ward retail store situation? We resent such methods.

A. L. JACOBBERGER.

J. M. JENSEN.

E. M. MORGAN.

E. W. GWYNNE.

VAUGHAN ———.

This telegram is signed by outstanding citizens of Omaha.

Here is a telegram from a citizen of Grand Island, approximately the center of the State, where Ward serves many of our farmers. It reads as follows:

GRAND ISLAND, NEBR., April 28, 1944.

Senator KENNETH WHERRY,

Washington, D. C.:

Does this Montgomery Ward procedure mean complete and final dictatorship? Is not some protest in order or has it gone beyond the point where protest is no longer possible?

The telegram is signed "John W. Lindsay." I know him personally. I assert that he is an outstanding citizen of one of the largest cities of Nebraska.

Here is another telegram:

OMAHA, NEBR., April 28, 1944.

Senator WHERRY,

Senator from Nebraska,
Senate Office Building:

The seizure of Montgomery Ward is an outrage. It is a violation of the Constitution. Where does the power of Federal Government end? This case should be taken to the people's Congress. I am not a stockholder of Montgomery Ward.

The telegram is signed "E. H. Erickson."

I read another telegram which I have received:

FREMONT, NEBR., April 29, 1944.

HON. KENNETH S. WHERRY,

United States Senate,
Washington, D. C.:

We vigorously protest against the Federal administration's un-American, unwarranted, and illegal action in Montgomery Ward case, and we call upon you as our elected Representative to take immediate and drastic action to protect the constitutional rights of American citizens.

It is signed by Fremont Wool Co., George R. Sanderson, president.

Here is another telegram from Fred E. Owen, of Paxton & Vierling Iron Works, Omaha, Nebr.:

OMAHA, NEBR., April 29, 1944.

Senator KENNETH WHERRY,

Washington, D. C.:

The disgraceful action of the Federal Government in the Montgomery Ward case should be fully covered by congressional action and definite action taken by Congress to reinstate our constitutional rights and privileges.

FRED E. OWEN,

PAXTON & VIERLING IRON WORKS.

The following telegram came from Omaha, and was signed by E. W. Taylor and others:

OMAHA, NEBR., April 29, 1944.

Senator WHERRY:

We demand an immediate and thorough congressional investigation of the seizure of Montgomery Ward & Co. and prompt congressional action to prevent any future outrage of this character.

E. W. Taylor, F. E. Hovey, W. R. McFarland, C. C. Sadler, J. T. Brownlee, W. G. Spain, V. B. Elseffer, Jewell Bockwitz.

Here is a telegram from Gale Walton, Geneva, Nebr. Geneva is located in an important agricultural territory in which farmers are continually being served by Montgomery Ward & Co. The telegram reads as follows:

GENEVA, NEBR., April 29, 1944.

Senator WHERRY,

Washington, D. C.:

If Congress has given the President power to use the Army to back up his own ideas and policies in regard to private business when no law is broken come on home, we will go fishing.

GALE WALTON.

This telegram is a mandate to Congressmen in Washington from a citizen of Geneva, Nebr.

Here is a telegram from Gibbon, Nebr., the center of a great potato section:

GIBBON, NEBR., April 27, 1944.

Senator WHERRY,

Washington, D. C.:

In regards to the Montgomery Ward plant seizure, we request you to use every effort to uphold the principles of our country's Constitution and stop this unruly dictatorship from Washington. We stand ready to ever assist you.

BUFFALO COUNTY FARM BUREAU.

SHELTON COMMUNITY FARM BUREAU.

SOD TOWN COMMUNITY FARM BUREAU.

I have read these telegrams, and I could read many more. The language of them certainly speaks for itself. If Senators desire to note the real temper of the American people over the controversial seizure of Montgomery Ward, I invite them to note the words used in the telegrams which I have just read: Un-American, dictatorship, outrage, illegal, unwarranted, disgraceful—such are the words of our American citizens. Such is the forceful written language from American citizens' description of the Montgomery Ward seizure.

Some time has elapsed since the seizure of Montgomery Ward by the executive branch of the Government. During that time first-blush indignation has had an opportunity to cool, and we have had time for reflection and sober thinking.

I, personally, am left with the feeling of alarm at the manner in which the Government dispossessed a civilian of his establishment. The disgraceful picture of armed troops being used bodily to carry an American citizen from his office is unpleasant to visualize. It is distasteful and disgraceful.

Why was it necessary to use military force?

Why did the executive branch of our Government call upon troops?

I hold no brief for the War Labor Board or the management of Montgomery Ward. However, I cannot help but read from the body of a letter which was

received in my office from a Montgomery Ward Co. employee in Chicago. The portion of that letter which I wish to embody in the RECORD at this time is as follows:

For the past 22 months I have been with Montgomery Ward & Co.

Watching the stuff the W. L. B. has been pushing down our throats, I can't help but write you and tell you how I feel and assure you that 80 percent of Ward's employees feel the same way, despite the fact that you get the union propaganda to the contrary.

A closed shop or maintenance of membership is in direct violation of the rights guaranteed to all United States citizens by the Constitution. I know you would not pay homage for the privilege of earning a living and neither will I, so why does Congress permit such an injustice to continue? You and I and everyone else should be privileged to join any organization of our choosing, but we should not be forced to join if we don't want to.

The "Gestapo Roosevelt" have violated the Constitution and all authority granted him by Congress, in invading and seizing private property not engaged in war work. The Government has repeatedly turned down this company's request for deferments of key people, informing Ward's that they are a nonessential business.

You should see the letters piling in here today from farmers all over the Middle West, telling Ward's what they think of them, and how much they hope the company wins this fight. Telegrams from business executives from all over the country are coming in by the basketful, congratulating Ward's on their courage.

My whole point is this, if Congress permits Roosevelt to get by with this, he can come into your home or mine, and tell us that it is essential to the war effort that we listen to certain radio programs and do not listen to others. It is my understanding that that is the type of thing we are fighting all over the world to get rid of.

May I plead with you and your fellow Senators to take immediate action to rid the American people of this menace and to protect their rights, granted by the Constitution.

Why was it necessary for the executive branch of the Government to take over Montgomery Ward?

Was it because, as Attorney General Biddle is reported to have argued in Chicago, Montgomery Ward was manufacturing and selling overalls and work shoes?

Is that sufficient justification for the executive branch of our Government to order Montgomery Ward seized?

If that is true, then by stretching such a conclusion to the *n*th degree, the executive departments and bureaus of this Government could take over and assume management of manufacturing, distribution, and retailing of all goods in this country.

Is that what the American people want?

Is that what the American people expect of constitutional government, about which we have heard so much here in past weeks and especially since the majority leader made his great speech suggesting that the legislative branch should once again assert its independence and vote its own convictions?

Incidentally, while I am on this subject of the Constitution, I could not help but note in reading Attorney General Biddle's

opinion as to the President's authority to seize Montgomery Ward that our Attorney General relied upon the good, old Constitution of the United States. That is remarkable when we think back over the past 12 years of the New Deal administration and remember the lambasting and the pasting our Constitution has taken.

It is significant and startling that this same group who have spent many long years circumventing, tearing down, destroying, flaunting the provisions of our Constitution, now in one of their weaker moments find it necessary to plant both feet on the Constitution of the United States. In the history of the New Deal this is an historical moment.

No matter who the Federal court in Chicago determines is right in this labor dispute, the American people are still asking and are going to continue to ask:

First. Why were troops used?

Second. Where is the authority for taking over Montgomery Ward?

Third. Why did the executive branch of our Government take possession of Montgomery Ward?

Not only are the American people going to ask the foregoing questions, but they are going to ask us, and are already asking in their protests:

First. Is it not about time for Congress to take back unto itself those powers which in the past have been delegated to the executive branch of the Government or at least curtail or clarify them?

Two. Is it not about time for Congress to check the high-handed manner in which executive bureaus and governmental agencies are coercing the activities of the people of this country?

Three. Is it not about time for Congress to exert itself and scrutinize all measures that provide for any delegation of power and authority?

If we do not want to do that then, in the words of my good Nebraska friend, "We might as well go home and go fishing."

This Montgomery Ward seizure, as Members of the Senate know, is not the only incident of high-handedness that has occurred in this country in recent years; but it is the one incident that has come to the people's attention and we have the people's reactions to such methods; such methods must stop in America, whether in time of war or in time of peace.

In the very near future, the Senate will be called upon to extend the life of the Office of Price Administration and when that matter is before the Senate, in the light of the Montgomery Ward seizure, it would be well for us to analyze the authority which we have delegated to this governmental agency. Carefully we should define the provisions of the law and when they are defined and written down, we ought to add a P. S. to every statute and say, "This is what the Congress of the United States means."

If amendatory legislation to curb some of the activities of this agency is not proposed by any committee or Members of this body, I shall offer such legislation.

Mr. President, in line with the development of government by Executive order

and decree, it is well to review the provisions of the War Food Order No. 98, entitled "Limitations on Sale, Transportation, and Use of Corn," which was issued by the War Food Administration, effective April 25, 1944, for a 60-day period.

The provisions of this order froze the sale of corn except as provided in the order, in 125 corn-producing counties in Nebraska, Iowa, Minnesota, Illinois, and Indiana. The 125 counties selected are the largest meat-producing counties in the Nation. That is the sad part about the order freezing the corn in the 125 counties, for they produce much of the corn-fed beef that is used for our soldiers abroad as well as for the civilian population.

This order provides that the Commodity Credit will purchase corn for their account to be delivered to processors of essential war materials. The Commodity Credit Corporation under the order can pay certain service charges such as the cost of shelling, transportation, and so forth. The maximum service charge that can be allowed is 5 cents per bushel.

The feeders in these 125 counties can only secure corn when they have in their possession an approved authorization from the county A. A. A. committee, allowing them to purchase and transport corn. The feeder is limited in the price he can pay for corn to prices in effect in the area in which the corn is purchased. I, as a feeder, cannot pay the 5 cents, but the Commodity Credit Corporation can pay the additional 5 cents; yet I have cattle on feed. The feeder is not allowed to pay the service charge that the order authorizes and grants the Commodity Credit authority to pay, which means, as can readily be seen, that the feeder, even though he has the approval of the A. A. A. committee to purchase and transport corn, will not be able to buy corn for his livestock because he cannot pay the price which a Government competing agency can and is authorized to pay. How will I get corn with a differential of 5 cents staring me in the face and the Government as my competitor?

It is my understanding that the various county committees are directed in special instructions—and all of these orders carry special instructions that are not made available to Congress or the general public affected—to restrict further the allocation of corn to feeders and producers. This is what I want livestock men to understand because telegrams are coming to me by the dozen relative to the effect of this corn order. For instance, if a man has on his farm hogs that have reached support weight, the A. A. A. committee will not allocate or authorize him to purchase or transport additional corn, but rather, say to him, "You must market those hogs." (2) The A. A. A. committeeman, if they have a request from a feeder of cattle for a 30-day supply of corn (which is the limitation under the order), will inquire and go to the farmer's feed yard, and determine whether or not the cattle in his feed yard for which he is requesting corn, are of slaughter weight and grade. If so, they will advise, as a matter of fact, direct him, to market this livestock. That is if the cattle do not

comply with the grades the farmers will be directed to sell them, and regardless of whether or not they want to sell them, they have no discretion in the matter. They can force him to market it by not allocating him the corn requested. (3) The A. A. A. committee will not allocate any corn or grant an authorization to purchase or transport corn except for livestock already on the farm, and none for livestock that he would use as replacement cattle or for sheep he would like to put into his feed lot. There is always a movement of livestock from the ranch to the feed lots where beef tonnage is produced.

The provisions of the special instructions mean that no cattle will move into the feed lot because the A. A. A. county committees will not allocate corn for the new feeding of cattle.

What does all this amount to? It means just this, that through directives issued by the administrative branch of our Government, the farmer is now told what livestock he can have on his farm, what he is to feed it, how long he can feed it, when it must be marketed, and what price he will receive for it at the time it is marketed. If that is not complete dictatorship over the farmer, I would like to know what other provision the administration wants to write into such a directive. That, to me, seems a dictatorship which far exceeds that which exists in the dictator countries against which we are now waging war.

What has been the effect of this order? All last week, markets were glutted with livestock. Much of the livestock should have been retained on the farm for varying periods. The glut on the livestock markets has lowered the price of cattle on the hoof from 25 cents to, in some instances, \$1.50 per hundred. The prices of hogs other than support weight and grade hogs have been lowered from 50 cents to \$2 per hundred. Yet we are supposed to have a support price, and the support price is supposed to be paid in the Chicago market. The farmers bring in their hogs on the absolute promise of the administration, and they are breaking that promise to the extent of \$2 a hundred, so far as hogs are concerned. Yet we expect the farmers to produce this year.

Lambs from the drought area in California which normally would move into the Corn Belt States, which cannot be slaughtered at this time because of their weight and grade, are glutting the middle western markets because no purchasers can be found—because the farmer is unable to secure the necessary corn to feed the lambs. The same is true in the case of the feeder cattle on the ranges. It means the owners have to take \$2 a hundred less, or they cannot even sell them.

All of this has caused tremendous financial sacrifice to the meat producers of this Nation. It is no wonder they are disgusted and say, "We are going to quit."

It has been said, but the statement has not been officially sanctioned, that the processors of corn for essential industries need 80,000,000 bushels of corn. It is my personal opinion, upon investiga-

tion, that the need is 50,000,000 bushels rather than 80,000,000.

The reason why they will not state definitely the amount of corn needed is that they have no intent to step out of the corn market at the end of the 60-day period for which this order was originally issued. It is my opinion that at the end of the period it will be extended.

Mr. President, I wish to digress for a moment. It has not been 4 months since I stood in the United States Senate and told Senators exactly what would happen as a result of these narrow feeding operations. I fought my heart out in the Senate one afternoon endeavoring to convince my colleagues that consumer subsidies would not go to the producers, that they would take a dollar to two dollars a hundred off cattle; and that is exactly what has happened. They have taken fully 10 percent off the price of cattle being produced by the farmers in my section of the country.

In my own State of Nebraska, cattle on feed on farms on April 1 of this year numbered 32 percent less than the number a year ago on this same date, and these figures are from the State-Federal bureau of agricultural statistics. I told the Senate farmers would not feed the cattle, and they are not feeding them, and now one-third less cattle are on feed in Nebraska than a year ago the first of April.

I refer again to the statistics of the State-Federal bureau of agricultural statistics. Factors in the reduced feeding operations were higher prices for grain and hay, slightly lower prices for cattle, and the acute labor shortage. Prices received by Nebraska farmers for feed grains in March averaged 21 percent higher and hay prices were 80 percent higher than a year ago, while prices for beef cattle were about 6 percent lower.

In the face of the increased feed costs, both for corn and hay—corn 21 percent higher if it can be obtained, and hay 80 percent higher than a year ago—and in many instances with labor even having tripled in its cost, we say that the farmer should feed his cattle and sell them, not for what he was allowed under the Little Steel formula, but at a loss. He does not get the subsidy, so in reality he is taking \$15.75 for the same cattle for which he should be receiving \$17.75 a hundred.

In the face of these increased feeding costs, where will the feeder come out, and how many cattle will there be on the feed lot 6 months from now? I say this corn order has completely upset the narrow feed margins already established by other directives, and if the agencies continue to issue directives of this kind, we simply will not have meat to feed our military forces or the civilian population.

Mr. SHIPSTEAD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. WHERRY. I yield.

Mr. SHIPSTEAD. The Senator does not mean to infer that this applies only to the feeder, does he? It goes on down the line to the producers of the original animals, so they will be taking a loss.

Mr. WHERRY. Yes, and I thank the Senator for his statement.

Mr. SHIPSTEAD. Under those conditions, with the high cost of labor, the scarcity of machinery, with the high prices the farmer must pay, and general war conditions, there will be destruction of the animal husbandry industry of the United States.

Mr. WHERRY. I thank the Senator. His remarks are right in line.

Mr. President, if we pick up a newspaper we see that there are embargoes in three or four of the largest hog markets today because of this corn order. Farmers all over the country are forced to sell their hogs and take what price they can get, and they once again have glutted the market, so that it is absolutely demoralized.

Mr. SHIPSTEAD. Mr. President, will the Senator yield further?

Mr. WHERRY. I yield.

Mr. SHIPSTEAD. A year ago this spring little pigs sold in Minnesota for \$6 and \$8. Last fall I could buy them for from 50 cents to a dollar.

Mr. WHERRY. That is absolutely true, and what is true in Minnesota is true in all the cattle-feeding States.

I wish to conclude now. It is true that the Montgomery Ward seizure has brought to our attention an overriding of constitutional processes. My experiences on the Small Business Committee—the chairman of which is the Senator from Montana [Mr. MURRAY], for whom I have the highest respect—has shown that this is a question which is reaching into the very economy of America. More than 4,200 directives have been issued. Many of them have upset the business structure, the manufacture, the production, and distribution of commodities. The time has arrived when we must consider the extension of the O. P. A. and some of the other agencies. We should see that their activities are curtailed and properly defined, and that the men in those agencies, who are not answerable to the electorate of this country, do not issue directives which will destroy our economy.

Unless Congress does something to eliminate or curtail the issuing of these orders and directives, our whole economy will be so involved that it will be impossible for us to extricate business from Government.

SEIZURE OF MONTGOMERY WARD PLANT

Mr. CAPPER. Mr. President, with most of the other people of this country who realized its implications, I was much disturbed at the seizure of the Montgomery Ward plant by Attorney General Biddle, and his use of soldiers to eject from his office, Sewell Avery, chairman of the board, without first handling the case through civil officers.

There may be some disagreement as to all the things we are fighting for in this war, but the substitution of military rule for civil government inside the United States is certainly not one of the things for which we are fighting this war.

But if Mr. Biddle's action was disturbing—as it was—Mr. Biddle's arguments

are more than disturbing. I quote from his opinion to the President, as reported in the press:

Even in the absence of section 3 of the War Labor Disputes Act, I believe that by the exercise of the aggregate of your powers as Chief Executive and Commander in Chief you could lawfully take possession of the plant and facilities of Montgomery Ward & Co. if you found it necessary to prevent injury to the country's war effort.

Mr. President, if that is the law of the Nation today, then the only law we have is the rule of the Chief Executive. He can do anything at his own discretion with the people and their property, so long as in his own opinion it is necessary "to prevent injury to the country's war effort."

That is a most dangerous doctrine, Mr. President. It is not good law; it is not good sense; it is not good public policy. If that is where we have arrived, then, indeed, has rule by men been substituted for government by law, and I do not believe that is what we are fighting for, or that such action is necessary to carry on the war.

Mr. President, judging from my mail, the country is aware of what is going on, and the serious implications of these activities. Letters and telegrams I am receiving—and the number each day is steadily increasing—indicate not only that the people of this country understand where such arbitrary and capricious actions will lead but also that they expect Congress to assert its rights and find a method of putting an end to such actions and such doctrines and policies. I am receiving letters from farmers, from businessmen, from professional men, from ministers of the Gospel, from fathers and mothers, demanding that this race for Executive power be curbed.

And I repeat, these people expect Congress to act in this matter, and to act promptly and effectively. Our people want the Executive to have all powers necessary to win the war, and they expect him to use those powers. But they do not believe that it is necessary to conquer the United States in order to defeat the Axis enemy.

Mr. President, I ask unanimous consent to have printed in the RECORD, as part of my remarks, a few of the letters and telegrams I have received today complaining of what most of my correspondents feel is a high-handed outrage against the basic law of the land.

There being no objection, the letters and telegrams were ordered to be printed in the RECORD, as follows:

TOPEKA CHAMBER OF COMMERCE,
April 28, 1944.

Senator ARTHUR CAPPER,
Senate Office Building,
Washington, D. C.

DEAR SIR: In accordance with instructions received from the board of directors of the Topeka Chamber of Commerce at their regular meeting today, I quote you herewith a self-explanatory resolution formally adopted by that body: Be it

"Resolved, That we oppose the action of the Federal Government in taking over the property of any person or private corporation when the business of such person or corpora-

tion is not directly connected with the war effort."

This resolution is forwarded to you in order that you may be individually informed of this action.

Very truly yours,
JOHN E. DUMARS, President.

EMPORIA, KANS., April 27, 1944.

MY DEAR SENATOR CAPPER: If the information the newspapers have given in regard to the Montgomery Ward-War Labor Board dispute is correct, then I am completely horrified at the action taken by our Government.

If a company not engaged in war work can be seized by the United States Government, then that same Government could by the same means enter my home and supervise its management. Is that what our boys are fighting for?

If I am correct that the W. L. B. has stepped way out of bounds, then I'm hoping fervently that Congress will assert its power and its right to correct such a situation.

Respectfully,
Mrs. W. M. WAGNER.

MISSION HILLS, KANS., April 28, 1944.

HON. ARTHUR CAPPER,
United States Senator,
Washington, D. C.

DEAR SIR: Is Congress going to take it lying down? Are they going to allow bureaucrats to make the laws and the President to carry them out? How long will it be before they move in on our homes?

Sabbath says: "We have a Constitution or else we don't. We authorize the draft of boys by the hundreds of thousands and they are more important than one bull-headed person." Well, what does he think they are drafted for—to fight to uphold the kind of freedom that is now being demonstrated in Chicago? Is that the second front we hear so much about. We can get that kind of freedom from the Gestapo.

You Members of Congress were elected to make the laws. When are you going to start earning your salary? The people of this part of Kansas are getting sick of it.

Yours truly,
D. K. STEPHENS.

COPY OF LETTER TO ATTORNEY GENERAL BIDDLE
BY THE PASTOR OF THE FIRST PRESBYTERIAN
CHURCH OF SMITH CENTER, KANS.

APRIL 27, 1944.

Attorney General BIDDLE,
Washington, D. C.

DEAR SIR: The seizure of the Montgomery Ward plant makes us feel that perhaps Hitler is a gentleman. Why do you not put your application in for a job with Stalin. I understand you are trying to convict 20 or more zealots for disloyalty to the United States and sympathy with nazi-ism. Why do you not indict yourself? None of them are half as dangerous to American democracy as your high-handed methods.

Yours truly,
IRA N. FAUROT.

THE WICHITA WHOLESALE FURNITURE CO.,
April 27, 1944.

Senator ARTHUR CAPPER,
United States Senate,
Washington, D. C.

DEAR SENATOR CAPPER: I think it is time that the Government added a fifth freedom to the four already so widely publicized. After reading about the Government walking into Montgomery Ward's plants in Chicago I think they are going a little too far.

I thought some of these things were what we were supposed to be fighting for, but I guess it is all right for them to happen in Germany, Italy, and Russia. A few years ago

we would have torn our hair out about such an operation, but today we are whipped down so that we dare not open our mouth about anything we do not like.

I may not understand all about such situations, although I do know that all of us have sons that are supposed to be fighting for a certain amount of freedom. Maybe this is not under that category.

Sincerely yours,

L. C. JACKSON.

THE BUHLER MILL & ELEVATOR CO.,
Buhler, Kans., April 28, 1944.

HON. ARTHUR CAPPER,
Senator, Washington, D. C.

DEAR MR. CAPPER: As a common citizen of this great country of ours, I personally appeal to you, as our representative in the United States Senate Chamber, to be instrumental in calling a halt in the Hitlerlike attitudes, as is evidenced by the Government taking over the Montgomery Ward stores in Chicago during this past week upon an Executive order through the War Labor Board.

To my way of thinking this is evidence enough for anybody to realize that there is an element in the administration, and has been during the past 12 years, whose main purpose has been and still is, to kill the American way of living, and in its stead substitute a government such as we are fighting today to exterminate.

There is only one hope as I see it, and that is for the Congress of the United States to see the handwriting on the wall and take action, immediately, without any further delay. Unless Congress does this very thing, there is very little hope that the boys who are now offering their lives on foreign soil will find a country fit for them or anybody else to live in when they do come home after the war.

I sincerely trust and hope that Congress will act and that immediately.

Respectfully yours,

C. N. HIEBERT.

SALINA, KANS., April 28, 1944.
Senator ARTHUR CAPPER,
United States Senate,
Washington, D. C.

DEAR SENATOR CAPPER: Just a few lines to get some very important information in reference to the action taken by some of the super powers (that can't be wrong) in reference to the Montgomery Ward & Co. deal in Chicago.

If we have laws that permit the Government to take over an industry such as the corner merchandise store, there had better be some changes in the laws or some fair interpretations of them.

It seems to me that if the W. P. B., or whatever it is, "gets by" with this, we might just as well call our boys back from Europe and other parts of the world and turn them loose on the source of such things that are not very becoming to a democratic form of government.

Would appreciate your taking a little of your time to explain what authority the W. P. B. has in this case and also what you are doing to prevent such occurrence in the future.

Yours very truly,

L. J. REES.

DRS. NEWMAN & YOUNG CLINIC,
Fort Scott, Kans., April 28, 1944.
Senator ARTHUR CAPPER,
Washington, D. C.

DEAR MR. CAPPER: I am writing you today in regard to the seizure of Montgomery Ward & Co., in Chicago, Ill., by the Government.

I will say if there is any such law in regard to private property, it is high time that Congress repeal that law and write one in such plain language that anyone can understand

what it means. I think this is the sentiment among most of the folks around these parts.

Laws by Executive order and public courts operated by the President all over the United States certainly is doing something to this country.

I also want to drop this suggestion: If the farmers are paid enough for their corn so that they can replace it with next year's crop, you would have no trouble getting corn.

Isn't it about time that Congress takes these powers away from the Executive?

Yours very truly,

J. R. NEWMAN, M. D.

WICHITA, KANS., April 27, 1944.

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SIR: Perhaps I'm not fully advised in the case of the United States Government taking over the Chicago Montgomery Ward & Co. plant on the direct order of our President, but to me the whole affair stinks. If such action isn't dictatorship, I'd surely appreciate a more distinct and understandable definition of the word.

I have no love for Montgomery Ward & Co. and can't remember buying a nickel's worth from them, but they should be entitled to run their own business—or perhaps black figures can't be understood by the New Deal and red will be more appropriate.

Sure these are wartimes, but the little fellow has been bough and gagged a long time, and it now appears that big ones are starting to fall, too. Can't anything be done to restore Congress to power?

Please do not construe this as criticism of your efforts. I'm just getting "red headed"—and who else can I blow off to besides a good Republican?

Respectfully yours,

A. A. TODD.

THE WICHITA DESICCATING CO.,
Wichita, Kans., April 29, 1944.

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SENATOR: Just a word to let you know that thousands of your people in Wichita are "burned up" at the action of the President concerning the Montgomery Ward deal, many are wondering if even though we are at war, impeachment should not be the reward of one who fails to defend the Constitution.

Sincerely,

O. J. EASTMAN.

KANSAS CITY, KANS., April 28, 1944.
Senator ARTHUR CAPPER, of Kansas,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: The Government's recent seizure of Montgomery Ward's Chicago plant appears to a lot of us voters as a rotten, high-handed, dirty piece of business. The company was apparently not engaged in war work. Why the W. L. B. and the President should stick their collective necks out in this direction for reasons other than to fight unions' battles for them is hard to understand.

On the basis of this procedure the W. L. B. and the President can take over every place of business in the country if they want to, whether the business is engaged in war work or not. And apparently such seized company would not have recourse at law for a fair trial.

A large section of voters that I know of, don't like this action at all. I trust there will be a congressional investigation of this latest W. L. B. move and that as a result of such investigation W. L. B. will be told by Congress in a specific way what it can and cannot do.

Sincerely,

F. F. KIMBALL.

WICHITA, KANS., April 30, 1944.
Senator ARTHUR CAPPER,
Washington, D. C.:

We look astounded upon Montgomery Ward seizure. Congress must vigorously and effectively curb such unwarranted extension of bureaucratic power. Administrators will forever use maximum implied authority granted them not the minimum. Laws passed without restrictions definitely make you responsible for abuses.

KANSAS HOTEL ASSOCIATION,
R. C. MCCORMICK, President.

EMPORIA, KANS., April 28, 1944.
Senator ARTHUR CAPPER.

MY DEAR SENATOR: I hope the Senate and Congress of the United States will and are doing something about the seizure of the Montgomery Ward & Co. plant. If the mayor of Emporia was to notify me to sign up with the painters union here I would tell him to go to a certain hot place; and I am of the opinion the President has no more authority than the mayor has.

The sooner we clean out the tyrants from the White House the better for our country.

Respectfully,

J. G. FRANKLIN.

WICHITA, KANS., April 28, 1944.
Hon. ARTHUR CAPPER,
Senate Office Building,
Washington, D. C.

DEAR SENATOR CAPPER: I know you are always glad to hear expressions of opinion from your constituents, as I have written you on other occasions.

I have talked to many of my friends concerning the current controversy of the seizure of the Montgomery Ward plant. They all seem to feel as I do that the seizure is unjustified and illegal. Incidentally, I am not connected with Montgomery Ward in any way and never have been, and do not own one share of stock. In fact, I do not even trade at this store.

However, I feel very strongly that the seizure of private property is unconstitutional, in a case like this where the seized company is not directly engaged in war production. I hope you agree with this opinion and will use your influence to see that justice is done.

Thank you for your consideration.

Sincerely yours,

DAVID D. FISHBACK.

WICHITA, KANS., April 28, 1944.
Hon. ARTHUR CAPPER,
United States Senate,
Senate Office Building,
Washington, D. C.

HONORABLE SIR: The President of the United States has finally used force to seize private property. History would indicate that such a move usually precedes complete dictatorship.

I'm sick at heart to realize that our own country is at the very brink of the thing our armed forces are fighting against. So are millions of other citizens. And what will those returning servicemen think and do if we lose our constitutional form of government?

It's too late now to discuss details and whys and wherefores and who is to blame. The time is here to end the President's abuse of power. It's time for you and your colleagues to take drastic measures to regain the powers delegated to Congress alone. How you do it makes no difference—call it a revolt by Congress, a return to representative government, or government according to the Constitution.

Short of open rebellion the people can do nothing except to act through their Senators and Representatives. Regardless of the ex-

ample set by the President and his followers the people still believe in constitutional procedure. Therefore it's up to you, and I, for one, say "go the limit."

Respectfully yours,

U. A. DENKER.

CONCORDIA, KANS., April 29, 1944.

HON. ARTHUR CAPPER,
United States Congress,
Washington, D. C.

DEAR SIR: Although I have been on the verge of writing you before in regard to different things which have come to pass, the matter of Montgomery Ward & Co. is, in my opinion, the most high-handed and dictatorial act of this Government I have ever seen.

It would certainly seem to be time, and in fact long past the time to see that labor unions, the War Labor Board, and others who made this disgraceful action possible are promptly put in their places and to see that the business of this country is allowed to function freely.

If Congress gave these powers it is time they were withdrawn.

I have never seen such general criticism of any situation as there is over this affair.

Yours very truly,

R. M. BAYS.

KANSAS COLOR PRESS,
Lawrence, Kans., April 29, 1944.

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SENATOR CAPPER: The seizure of the Montgomery Ward firm in Chicago by Roosevelt, on the flimsiest excuse ever put out by a man in public office, reminds us all again that Congress has just got to see to it that war or no war law must be equal and fair to all in the United States.

In that action in Chicago you have a good idea of what a combination of labor racketeers and politicians inclined to perpetuate themselves in office can do in case they want to and that time is right here when somebody has to see to it that whether a man labors, loafs, or has money invested justice "impartial"—get that quoted word—must be assured us all.

To sheel with any nation or country which builds up one class at the expense of another, refusing justice and a square deal to all concerned! I maintain Congress has to take a hand in this diabolical game as played by Roosevelt under the guise of law and war necessity, for if Congress doesn't see to it that lopsided statutes are eliminated and justice made to prevail then we are in for something awful once this war does end. Personally, I can't express myself capably this afternoon, but maybe in the foregoing you can picture some of the outrage I feel, and I believe I am as patriotic as any American citizen that lives, and, old as I am, I'd try my best to whip the buzzard who says I'm not. But I'm sick and tired of the lousy outfit and their apparent studied design to fasten on America the same style of government of the God-forsaken Europeans and Asiatics—favoritism for one class for political profit and legislation to enrich racketeers at the expense of those who toil and wear their lives out in hard work to live independent, respectable lives.

I hope you of Congress will do something to see that a fair and square deal is ordered for all, regardless of vocation, profession, or what have you. Legalized racketeering is and has been running rampant and it is high time, in my judgment and dozens of others that I have talked with, that a fair shake and a square deal be provided every man in America. Kindest personal regards.

Sincerely yours,

WARREN ZIMMERMAN.

TOPEKA, KANS., April 28, 1944.

HON. ARTHUR CAPPER,
United States Senate,
Washington, D. C.

DEAR SIR: The Congress of the United States will have completely abrogated its functions if it falls forthwith to make as a "must" order of business legislation curbing Ogpu or Gestapo incidents such as occurred at Chicago yesterday in the forcible ejection of a member of the management of Montgomery Ward.

Please do not misjudge the rising temper of the average citizen, which is being caused by such flagrant infractions and violations of civil rights and liberties.

Very truly yours,

A. LOUIS SOULE.

The Honorable ARTHUR CAPPER,
The United States Senate,
Washington, D. C.

DEAR SIR: The soldiers on distant battlefields must be wondering today what kind of a country this is that they are fighting for.

The seizure of mines by the Government was a necessary action, but I see no logical reason for Mr. Roosevelt to immediately take over the entire company of Montgomery Ward.

If this company is to be considered as a vital war industry then every industry, every small business, every farm might well be in danger, and even the very democracy for which our boys are fighting is in grave danger of being destroyed.

Mr. Roosevelt acted hastily and no doubt believed he was doing the right thing, but no man—no matter how much experience he has had—is always capable of making wise decisions.

As a representative of the people of Kansas for many years you have the respect and confidence of a large group of persons who are ready to back you up in whatever action you deem necessary. Montgomery Ward has always stood for a fair deal. Let's see that it gets one.

Sincerely,

MISS LORNA BROWN.

C. A. KARLAN FURNITURE CO.,
Topeka, Kans., April 28, 1944.

HON. ARTHUR CAPPER,
United States Senate,
Washington, D. C.:

MY DEAR SENATOR: * * * Nothing in recent years has caused such grave concern in business circles as the Montgomery Ward-W. L. B. controversy. At our Rotary luncheon yesterday it was the sole topic of conversation and men gravely admitted that a most serious situation has resulted from granting too much power and authority to those who are using it to further their selfish interests. It is hoped that the courts will quickly decide this case, in all fairness and according to law.

With warmest personal regards and appreciation for the fine service you are rendering, also hoping you are enjoying good health.

Sincerely,

C. A. KARLAN.

If the Government gets away with the Montgomery Ward case, as a veteran of the First World War, I am ashamed of what I fought for, and my son who is now in the Army will feel the same.

HARRY E. BLAISDEL,
Hutchinson, Kans.

APRIL 28, 1944.

DEAR SENATOR CAPPER: What is Congress going to do about the Montgomery Ward seizure? We know you will go right.

Best regards.

MRS. GEORGE BARCUS,
Chanute, Kans.

APRIL 28, 1944.

Mr. BARKLEY. Mr. President, I had not intended to say anything further in regard to the Montgomery Ward case beyond what I said the other day when the matter was injected into the Senatorial situation by the remarks of the Senator from New Hampshire [Mr. BRIDGES]. Inasmuch as the prosecution has now indulged for an hour and a half in presenting its side of the matter, I presume it would not be out of order to present some facts with reference to—

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator, but this is the only time I shall yield. I have not yet begun my remarks.

Mr. BRIDGES. There is only one thing I should like to ask the Senator. The other day he made a remark in reply to my statement that if the President could take over the plant of Montgomery Ward & Co. under the general powers which Attorney General Biddle has told the President he possesses, then under the same authority the President could take over any drug store or any corner grocery store or any victory garden in the land. The Senator from Kentucky at that time remarked that those words of mine fell of their own weight, they were so ridiculous. In view of Mr. Biddle's latest statement in Chicago, as reported in the press this morning under the headline in the New York Times "Courts ought to submit to President, is plea by Biddle in Ward case" and in the Washington Post this morning under the headline "No business immune from President's war powers, says Biddle in Chicago," I wonder if quite a different light is not shed on the very dangerous situation which exists. I should like to have the Senator make some reference to these statements of the Attorney General.

Mr. BARKLEY. I will choose my own course in pursuing the very brief remarks I had intended to submit.

Mr. BRIDGES. I think it would be well if the Senator were to answer my inquiry.

Mr. BARKLEY. Neither the headlines appearing in the New York Times nor in the Washington Post nor in any other newspaper would change the opinion which I expressed the other day with reference to the Senator's statement before the Senate.

Mr. BRIDGES. Mr. President, has Mr. Biddle's statement in Chicago changed the Senator's opinion?

Mr. BARKLEY. The part of Mr. Biddle's statement which I read did not contain any such statement as that to which the Senator makes reference.

Mr. BRIDGES. The Senator from Kentucky is not up to date, then.

Mr. BARKLEY. Not quite. I do not read all the newspapers which are published in the United States.

Mr. BRIDGES. Did the Senator read Mr. Biddle's statement?

Mr. BARKLEY. I usually take home with me to read at night the New York Times, the Baltimore Sun, and the New York Herald Tribune, because I do not have time to read them earlier in the

day. During the day I read the Washington newspapers. I have seen no such headline as that read by the Senator. If there is such a headline, it would have no effect whatever on my opinion.

Mr. BRIDGES. And Mr. Biddle's statement would not change the Senator's opinion?

Mr. BARKLEY. I would want to read Mr. Biddle's entire statement as he prepared it before judging by some paragraph that newspapers have picked out for purposes of a headline. We all find the difficulty here when we make a prepared statement that if it receives a headline at all it is something which is grabbed out of the body of the article or speech for the purpose of a headline, and, therefore, I do not govern myself by headlines. But I do not want to become diverted from what I intended to say.

Mr. BRIDGES. I hope the Senator will cover it all.

Mr. BARKLEY. No; I am not going to cover it all. I am simply going to put into the RECORD some observations which seem to me to be entirely pertinent, but not for the purpose of trying the Montgomery Ward case here in the Senate, because I still insist that the legality of the action taken is a matter for the courts and not for the Senate of the United States, and all the investigations which might be ordered because of a frenzied feeling of indignation or for any other reason by any committee of the Senate would have no legal effect upon the action taken by the Attorney General or the President. It was for that reason that it seemed to me wise on the part of the Senate to let the courts pursue the matter and decide the question of legality, but inasmuch as it seems desirable on the part of some to try it here on the floor, I think it might not be out of place to put into the RECORD a few things in regard to it.

I desire to read first an editorial from the Louisville Courier-Journal of last Friday, April 28, entitled "A Persistent Defier of the Government."

Mr. BRIDGES. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MURDOCK in the chair). Does the Senator from Kentucky yield to the Senator from New Hampshire?

Mr. BARKLEY. Not now, Mr. President. Let me finish.

The PRESIDING OFFICER. The Senator from Kentucky refuses to yield.

Mr. BARKLEY. The editorial is as follows:

The quarrel between Montgomery Ward & Co. and the United States Government has a long history. It is the outcome of a persistent antiadministration policy first formulated by Sewell Avery, chairman of the board of directors, chairman also of the U. S. Gypsum Co., and a director of seven other important Midwest industrial concerns, back in the days of N. R. A. The firm then challenged the minimum wage directives of the National Recovery Act as "illegal and unfair."

The history of the present stalemate dates from Montgomery Ward's refusal to recognize the United Mail Order, Warehouse, and Retail Employees' Union as bargaining agent for its employees. Then began the series of

advertisements, signed by Mr. Avery, which in almost every metropolitan newspaper in the country has carried on a long and specious defense of the company's defiance of the National Labor Relations Board, the War Labor Board, the Department of Commerce, the Army, and the President.

The technic of Montgomery Ward's labor baiting has been polite and legalistic, in contrast to the thug and tear-gas antiunionism of a decade ago. But it is nonetheless deadly and nonetheless against the spirit of the Wagner Act, which has translated into law the right of labor to deal with management through collective bargaining agencies of its own choosing. Mr. Avery's method of wearing down the union and then, after a persistent campaign of ignoring it, to claim that it is no longer a representative bargaining group is one that the Supreme Court only recently declared to be in violation of the Wagner Act. The Court upheld the War Labor Board on the point that Montgomery Ward now challenges, and said that in dealings with a union the company has persistently sought to break down, it must first accept the union as bargaining agent and only then, after permitting the union to prove its power of representation, it may join with employees in seeking a new election. But the Court held that the method of first weakening and then persistently challenging the union, as Montgomery Ward has done, is merely an effective way of breaking up unions.

The bitterness of Mr. Avery's antiadministration bias, as well as his determination not to yield an inch to Government regulation, is evidenced in the seizure of the plant under the President's order. It is difficult to see how the President could have acted otherwise. Although orders from the W. L. B. upholding the union and recognition of the expired contract until a new one could be agreed upon are now 3 months old, the company ignored them under its decision that the Board has no right to issue orders but can merely "advise." Under such circumstances a strike was not surprising. The President, recognizing the fact that the strike was occurring in an important industrial region, that it was attracting widespread sympathy from other workers, and that it was interrupting essential civilian services, ordered the union to call off the strike and the company to come to an agreement with the union. The union complied, the company still resisted.

The whole question of the Presidential power to seize plants under such circumstances and of the authority of the War Labor Board to back up its demands is now likely to be aired in court. No fair-minded person can hold any brief for Sewell Avery or for the manner in which the company has challenged both the law of the land and the Presidential authority in wartime. Nevertheless, it seems painfully unfortunate that the Army, in taking over the Ward plant, as it was instructed to do, found it necessary to resort to force to remove Mr. Avery from the building. The order under which he was bodily removed was upheld by Attorney General Biddle, but the Army and the Department of Commerce, with force and the law on their side, might well have avoided personal encounter with a rancorous reactionary and thus have avoided giving him a first-class ticket to martyrdom.

Mr. President, on the 30th of April, in the same newspaper, appeared an editorial entitled "For the Courts, Not Congress, To Decide." I shall not read the editorial, but I ask unanimous consent to have it printed in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Louisville (Ky.) Courier-Journal of April 30, 1944]

FOR THE COURTS, NOT CONGRESS, TO DECIDE

It is pretty ironic that Members of the Congress which jammed the Smith-Connally Anti-Strike Act through over President Roosevelt's veto and strong protest start yelling to heaven the moment the act is involved against a conspicuously defiant employer—Montgomery Ward & Co. But even with all the irritation against organized labor which inspired passage of the act, it was not deemed feasible, though some Members of Congress might have liked, to exempt Sewell Avery specifically from its compulsions. So the thing for the congressional shouters to do is to calm down and leave to the courts the question of whether President Roosevelt and Attorney General Biddle have properly applied the law.

The project for a congressional investigation of the seizure of Ward's Chicago facilities is simply silly. Investigation of the only question possibly involved—whether Ward's is what the Smith-Connally Act calls a "plant, mine, or facility equipped for the manufacture, production, or mining of any articles or materials which may be required for the war effort"—is already under investigation in the only place it may justly be investigated, that is, in the courts. Though the episode has been attended by the usual loud and tearful farewells to the American way, usurpation of the judicial function by congressional investigating committees would seem to us a far more serious departure from American law and custom than is apparent anywhere so far in the Government's action in the Montgomery Ward case.

As a practical matter, it appears to the Courier-Journal there is no question that Ward's falls into the category of a plant contributing "articles or materials which may be required for the war effort." It deals in many things essential to home-front production, including agricultural implements; it has obtained thousands of priorities from the War Production Board on the ground of this essentiality. It owns a manufacturing plant which certainly would be affected by a strike and is making carburetors, propellers, and gun mounts for military aircraft. Nor can there be left out of consideration the danger mentioned by the War Labor Board, Mr. Biddle, and Mr. Roosevelt, that continued labor troubles at Ward's would spread to other plants.

However, the Courier-Journal's opinion that Ward's is definitely and tangibly contributing to the war effort is no more valuable or important in the circumstances than that of a Member of Congress who thinks otherwise. The issue must be decided by the courts. Mr. Biddle promptly submitted it to the Federal district court at Chicago, and the company's counsel were already preparing to do the same thing when he did so. Mr. Avery still has his rights—and his lawyers—and certainly a disposition to defend those rights, as he sees them, through every avenue open to able corporation attorneys.

Mr. Avery has been battling labor in this way for a long time—the union involved in the present case for 4 bitter years. The record denies that Ward's is pro-labor and prounion, as alleged by Mr. Avery, except in his own private conception of those terms. Ward's and other companies under Mr. Avery's influence have been hostile, in the accepted sense of that term, to organized labor for years. It is a shame that he has pursued the quarrel so intransigently in wartime and that he could not continue to deal with the union, even under protest, in consideration of the crucial nature of the days through which we are passing in the world conflict. Surely he could have held in abeyance until peacetime the point on which he stickles so truculently.

The point, be it said, is not altogether invalid. The objection on which he defied the War Labor Board and refused to extend the union contract in Chicago was to its maintenance-of-union-membership clause. This is not the closed shop, as Mr. Avery sometimes calls it, but it undoubtedly may tend to produce the closed shop. Under maintenance of membership, members of a union at the time of the signing of a contract must remain members during the life of the contract. It is a device accepted for wartime by the War Labor Board for the protection of unions from raids by employers or rival unions. Undoubtedly, under stable employment conditions maintenance of union membership would maintain the same union as bargaining agent from one contract to another and probably enable it in time to enforce a closed shop. (It is because of heavy labor turn-over that the Chicago union has lost strength, if it has lost strength, as Mr. Avery alleges.)

The closed shop, especially in the present state of labor regulation where the individual member of many a union is a voiceless man, is a dubious thing, and it is a pity that the war found our labor legislation as far as it is from a just solution of the problems the closed-shop issue prevents. But these problems can't be settled all at once, least of all by Avery methods. It is only fair to concede that back of all his reactionary roaring and seething he has a point, even if wrongly pushed, and also to concede that his defenders who assert that he was given harsher treatment by the Government than his opposite number in labor's ranks, John L. Lewis, make an unfortunately plausible case.

We reprint on this page this morning two articles on the Chicago episode—one a piece from the Nation and the other an editorial from the New York Times—in the interest of public information on the issues involved. Both are largely factual, though presented from very different points of view. But, whatever the point of view, we cannot see how it is possible to differ from the Times' conclusion that "the chairman and directors have not acted wisely from the national standpoint. It is one thing to make one's point; it is another to act in wartime with unnecessary belligerence and defiance."

MR. BARKLEY. Mr. President, I hold in my hand an article which I clipped from one of yesterday's newspapers. The article is written by Dorothy Thompson. Miss Thompson is a well-known columnist and correspondent, and is usually credited with knowing something about the facts she discusses. If there is anything wrong with the facts contained in this article by Miss Thompson, I would invite anyone to challenge them. I read from the article:

When Sewell Lee Avery hissed "New Dealer" at Attorney General Biddle, who had entered his office to take over the plant of Montgomery Ward & Co., he seemed to overlook the fact that Mr. Biddle was there under a law that had originated, not in the White House, but in Congress, and had been passed over the President's veto.

No one will dispute that.

I read further from the article:

The Smith-Connally Act had its origin in John L. Lewis' defiance of the War Labor Board. The purpose of the act was to provide a means for enforcing acceptance by both employers and unions of W. L. B. orders. The means prescribed by the law was the "immediate possession" on order of the President, of plants in which either employers or unions failed to accept the rulings of the W. L. B. provided the President finds "after

investigation" that "there is an interruption of the operation of such a plant as a result of a strike or other labor disturbance," and that "the national defense program will be unduly impeded or delayed by such interruption."

The President has no power to act, unless a dispute which the W. L. B. finds itself unable to settle is referred to him by it. Then he is compelled to attempt to settle it by order, and if this fails, to invoke the procedures defined in the Smith-Connally Act.

Since the Board was established in January 1942, it has settled 6,000 disputes and referred only 17 to the President. Of these 17, 7, including this latest case of Montgomery Ward, arose out of company rejection of rulings, and 10 out of union rejection. Of the 7 plants involved, 2 were held only a few days; 3 have been taken since mid April; 2 are still being operated some months after seizure.

Of the 10 cases involving labor defiance, 4 were settled by the union on a telegram from the President; 6 involved taking possession of the plants; 4 were seized but returned to their owners in a few days; only 2—both coal mines—are still retained by the Government.

There is nothing peculiar to the Montgomery Ward case, and exactly the same lawful procedure was followed. Employees of Montgomery Ward struck when the company refused to extend the contract with the union, which had been certified by the National Labor Relations Board. A similar situation had arisen before, in 1942, when Mr. Avery had also refused to sign a contract. Then he complied upon Presidential order. The contract was for a year. When it expired, Mr. Avery refused to renew. The union went to the W. L. B. which 3 months ago ordered extension of contract with one of the two members representing industry dissenting.

The Board, on appeal, made an exception to usual policy. Montgomery Ward claimed a big labor turn-over since the last election, and that the union no longer represented the workers. The Board ordered extension of contract for 30 days and sent the case to N. L. R. B. for a new election. It has been uniform policy to presume contracts to hold until or unless new elections result in certifying other bargaining agencies.

There was another public hearing, and on April 5, the Board, this time including the former dissenting industrial representative, unanimously demanded that the company comply. Mr. Avery refused. So the case went to the President.

The President then acted as ordered by law.

There is no difference in procedure in this case and the case of the coal mines. The first coal strike occurred before the Smith-Connally Act had been passed. The act was passed in order to provide means of compelling compliance. When Mr. Lewis continued recalcitrant, the President took immediate possession of the mines. The President could not take immediate possession of Mr. Lewis because the act gives him no such power. Mr. Lewis was compelled to arbitrate and he did not get what he had asked for.

It has been suggested by some that in that case the President should have taken bodily possession of Mr. Lewis. Of course, the law did not authorize any such thing; and, besides that, it would not have had any helpful effect or would not have contributed anything whatever to the operation of the mines, if the President had taken bodily possession of Mr. Lewis or had made some other disposition of him.

The article continues, as follows:

Montgomery Ward & Co. denies that the labor disturbance threatens the war effort. The War Labor Board in other instances has ruled that strikes occurring in plants situated in centers of war industry threaten

to spread and indirectly affect stable employer-employee relations to war plants. But in this case it is a peculiar attitude for the company to take, since the Chicago house has asked for no less than 38,000 preferential priorities from the War Production Board on the ground that its merchandise was essential to the war effort. A subsidiary company in Springfield, Hummer Manufacturing Co., to which it is presumed the strike would have extended, is directly engaged in the manufacture of gun mounts and airplane parts.

Montgomery Ward has defied the law which is a law of Congress, specifically directing the President's procedure. And what all the yelling is about I cannot understand—unless it is because this is a campaign year, and the dispute is in Chicago.

MR. LUCAS. Mr. President, will the Senator yield for a question?

MR. BARKLEY. I yield.

MR. LUCAS. Do I correctly understand that the article written by Miss Thompson states that the War Labor Board has made an effective decision in some 6,000 different cases?

MR. BARKLEY. Yes, Mr. President; the Senator is correct. What Miss Thompson's article states is that the War Labor Board, since its establishment in January 1942, has settled 6,000 disputes, and has referred only 17 disputes to the President. Of the 17, 10 were on account of disturbances created by labor, and 7 were on account of the recalcitrance of employers.

MR. LUCAS. Mr. President, I desire to ask the Senator a question. I do not think the article makes the explanation I am trying to obtain. Of the 17 cases which have been referred to the President, can the Senator tell me whether any one of the 17 involved circumstances which square with those in the case of Montgomery Ward & Co.? In other words, in those 17 cases were the plants producing implements of war, or were any of them in the business of distributing implements of war?

MR. BARKLEY. Of course, Mr. President, I presume it would be fair to say that in the other plants a larger proportion of the products was used for war purposes than would be true in the Montgomery Ward case, because it is a Nationwide mail-order house, and last year sold approximately \$600,000,000 worth of goods, as I recall the figures, to the people of the United States. In the case of the coal mines, which was one of the 17 cases, of course the production of coal is an essential war facility, in a larger proportion, I should say, than in the case of Montgomery Ward & Co. In the case of the Brewster airplane factory, in New Jersey, Delaware, or wherever it may be, I presume it might be said to be entirely a war production plant. In the case of the Ken-Rad Co., in my own State, under similar circumstances the President took over the plant a couple of weeks ago. It manufactures tubes for the Army and Navy. Such manufacture may include a large proportion of its production, although it probably also produces for civilian consumption. In view of the nature of the business of Montgomery Ward & Co., and the large amount of its sales and distribution, it may be that a smaller proportion of its activity is engaged in war enterprises than in the case

of other companies, although I presume the Hummer Co., which manufactures propellers and gun mounts, is almost exclusively engaged in the production of war material.

Mr. LUCAS. As I understand, the particular store of Montgomery Ward & Co. located in the city of Chicago is simply a distributing agency for war materials, as well as for civilian supplies. I understand that certain auxiliaries of Montgomery Ward & Co. do actually produce implements of war; but so far as the particular store taken over by the Government is concerned it is my understanding that it is solely a distributing agency, and is not engaged in any way in the manufacture of war products.

Mr. BARKLEY. So far as the store in Chicago is concerned, I presume it is wholly a distribution center. I do not know whether the company manufactures anything elsewhere and brings it to the distribution point; but it seems from the facts recited in the article which I have just read that it has regarded itself as an essential war activity, because it has requested 36,000 priorities, not only as to employees, but, as was shown in the evidence yesterday before the court in Chicago, it has requested priority as to materials, because it has been producing things which it regarded as essential to the war effort. It based its requests for priority, both as to materials and personnel, upon its status as an essential war industry.

Mr. LUCAS. In view of the fact that the article written by Dorothy Thompson and the argument made by her are based upon the fact that the Montgomery Ward & Co. case comes under the Smith-Connally Act, I was anxious to ascertain whether or not any of the 17 cases which have been submitted to the President are on all fours with the Montgomery Ward case.

Mr. BARKLEY. I doubt if they are what lawyers call on all fours, because I presume that the proportion of business done by Montgomery Ward & Co. in distributing products is larger than the proportion of its business, either directly or through its subsidiaries, in actual war materials.

Mr. LUCAS. Obviously the plant located in Chicago, the place where the controversy is now raging, is strictly a distributing agency, and not a manufacturer.

Mr. BARKLEY. That may be.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BARKLEY. I will yield in a moment.

In that connection, it might be well to quote the provisions of the Smith-Connally Act, which was not an act of the President, because as Senators will recall, he vetoed it, and it was passed over his veto. I am sure the record will show that some of the Senators who are protesting most loudly because the President took Congress at its word, voted to enact this very law over the veto of the President.

Mr. BYRD and Mr. BRIDGES addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kentucky yield, and if so, to whom?

Mr. BARKLEY. I yield first to the Senator from Virginia.

Mr. BYRD. As I understand, the Senator from Kentucky has said that Montgomery Ward has been classified as an essential war industry.

Mr. BARKLEY. No; I said it classified itself as an essential war industry.

Mr. BYRD. I have received a telegram from Mr. Sewell Avery in which he says:

CHICAGO, ILL., May 1, 1944.

Senator HARRY F. BYRD,

United States Senate:

War manpower regulations classify Ward's Chicago activities as not essential or even locally needed. Under Selective Service regulations Ward's mail order and retail business not listed as essential activity. No Chicago employees have been granted deferments as engaged in or necessary to war production. Some keymen, like those of other merchants, have been deferred for limited periods as necessary in the distribution of goods considered necessary for civilian use.

SEWELL AVERY.

Certainly the Selective Service does not regard Montgomery Ward as essential, because there is no provision for deferment of its employees.

Mr. BARKLEY. I do not understand why it should have made application for 36,000 priorities unless the officials of the company had thought that it was essential to the war effort.

Mr. BYRD. Whatever they may have thought, the Selective Service evidently did not agree with them.

Mr. BARKLEY. Let me quote some of the provisions of the famous Smith-Connally Act, which was passed over the veto of the President, and under which he is now acting.

Mr. BRIDGES. Mr. President, when the Senator gets ready to yield, I should like to have him yield to me.

Mr. BARKLEY. I will ease the Senator's pain by yielding to him now. [Laughter.]

Mr. BRIDGES. A while ago the Senator said that he did not believe in what the newspapers said, and that what they said made little difference to him; yet he has spent the past half hour reading from newspapers.

Mr. BARKLEY. The Senator is not quoting me correctly. I said I did not make up my mind from reading headlines in the newspapers.

Mr. BRIDGES. Apparently what is written in the newspapers has some influence, provided it is written so as to agree with the Senator.

Mr. BARKLEY. I placed the article in the RECORD for whatever any Senator may think it is worth. If the Senator does not believe that Dorothy Thompson's opinions are worth anything—

Mr. BRIDGES. I do not.

Mr. BARKLEY. That is quite all right. The Senator has a right to his opinion. However, the Senator has not denied the facts stated. If he can deny them, from knowledge of his own, I welcome that denial and proof to the contrary.

Mr. BRIDGES. Does the Senator believe in what the Louisville Courier-Journal has to say?

Mr. BARKLEY. Sometimes I do; and sometimes I do not.

Mr. BRIDGES. I wondered if the Senator always believed what was written

in the Louisville Courier-Journal. I remember a recent editorial in that newspaper which condemned the Senator.

Mr. BARKLEY. I understand. The Louisville Courier-Journal, which is a newspaper in the largest city in my State, has the same right to criticize me that it has to criticize anyone else. I have never protested against any criticism that newspaper may have made of me. I have not always agreed that its criticisms were correct, but I have never denied it the right to make them, and I hope I shall never become so thin-skinned that I cannot take criticisms from newspapers, even in my own State, which honestly disagree with any position I may take.

Mr. BRIDGES. When the Senator condemned the newspapers from which I was quoting earlier in the day, he did not mean to condemn what all newspapers report, did he?

Mr. BARKLEY. The Senator is pettifogging. I did not condemn the newspapers from which the Senator read. I simply stated that I had not read them, and that I am not governed by headlines.

Mr. BRIDGES. But the Senator is governed by Dorothy Thompson.

Mr. BARKLEY. I am not governed by Dorothy Thompson; but if I had to choose between being governed by her and being governed by the Senator from New Hampshire, I might select Dorothy instead of the Senator. [Laughter.]

Mr. BRIDGES. I have no doubt the Senator would do so. I think she is more his type.

Mr. BARKLEY. Then we have settled that controversy. [Laughter.]

Mr. President, the statute under which the President has acted, and which was no doubt voted for over his veto by most, if not all, the Senators who have protested here today because he has acted under it, has some interesting provisions—

Mr. BRIDGES. Mr. President, will the Senator further yield?

Mr. BARKLEY. I will yield once more.

Mr. BRIDGES. Did Mr. Biddle say in Chicago that he had acted under the Smith-Connally Act?

Mr. BARKLEY. I do not know what he said in Chicago. I was not there, and I have not read his speech. In his letter to the President, he bases his opinion, in part, upon the Smith-Connally Act. If the Senator will read that letter, he will see that that is true.

Mr. BRIDGES. The Senator likes to be up to date. What Mr. Biddle said before the court would be the latest thing.

Mr. BARKLEY. Yes; it would be the latest thing; but I should like to see all of it, and not a paragraph or two selected by a newspaper correspondent, which he thinks more important than anything else in the whole speech.

Mr. BRIDGES. All the Senator wishes to demonstrate is that he has a selectivity in newspapers.

Mr. BARKLEY. No; I have no selectivity in newspapers. But I do not believe it is fair that I should be required to make up my mind on the basis of newspaper selectivity of paragraphs in an Attorney General's speech before a court,

which lasted probably for an hour or two.

Mr. BRIDGES. So long as the Senator wishes to present a fair case, I should like to present him with a Washington newspaper and a New York newspaper, so that the whole matter may be in the RECORD.

Mr. BARKLEY. The Senator need not go to that trouble. I can buy a newspaper. I thank the Senator for his generosity, but I have that much money. [Laughter.]

Mr. President, let me proceed. I have already taken up more time than I intended to take.

I read from the provisions of the Smith-Connally Act:

As used in this act—

Mr. SHIPSTEAD. Mr. President, from what is the Senator reading?

Mr. BARKLEY. I am reading section 2 of the Smith-Connally Act, under "Definitions."

Mr. SHIPSTEAD. Is that the Selective Training and Service Act?

Mr. BARKLEY. No. I am reading from the Smith-Connally Act, called the War Labor Disputes Act, which was enacted over the President's veto in June 1943:

Sec. 2. As used in this act—

(a) The term "person" means an individual, partnership, association, corporation, business trust, or any organized group of persons.

(b) The term "war contract" means—

(1) a contract with the United States entered into on behalf of the United States by an officer or employee of the Department of War, the Department of the Navy, or the United States Maritime Commission;

(2) a contract with the United States entered into by the United States pursuant to an act entitled "An act to promote the defense of the United States";

(3) a contract, whether or not with the United States, for the production, manufacture, construction, reconstruction, installation, maintenance, storage, repair, mining, or transportation of—

(A) any weapon, munition, aircraft, vessel, or boat;

(B) any building, structure or facility;

(C) any machinery, tool, material, supply, article, or commodity; or

(D) any component material or part of or equipment for any article described in subparagraph (A), (B), or (C); the production, manufacture, construction, reconstruction, installation, maintenance, storage, repair, mining, or transportation of which by the contractor in question is found by the President as being contracted for in the prosecution of the war.

(c) The term "war contractor" means the person producing, manufacturing, constructing, reconstructing, installing, maintaining, storing, repairing, mining, or transporting under a war contract or a person whose plant, mine, or facility is equipped for the manufacture, production, or mining of any articles or materials which may be required in the prosecution of the war or which may be useful in connection therewith; but such term shall not include a carrier, as defined in title I of the Railway Labor Act, or a carrier by air subject to title II of such act.

I do not know whether Montgomery Ward & Co. engage in the storage of any articles which are regarded as essential to war. I do not know whether they can be described as transporting articles which are essential to war. I under-

stand "storage" and "transportation" to refer not merely to guns, or even to articles which are manufactured for the purpose of use on a battle front, but it seems to me that anything essential to the war effort, which is being stored or transported, may come under such a definition. It still is the definition of Congress, not the definition of the President.

I read from section 3, as follows:

Sec. 3. Section 9 of the Selective Training and Service Act of 1940 is hereby amended by adding at the end thereof the following new paragraph:

"The power of the President under the foregoing provisions of this section to take immediate possession of any plant upon a failure to comply with any such provisions, and the authority granted by this section for the use and operation by the United States or in its interests of any plant of which possession is so taken, shall also apply as hereinafter provided to any plant, mine, or facility equipped for the manufacture, production, or mining of any articles or materials which may be required for the war effort or which may be useful in connection therewith.

And so forth. Here is section 6:

Sec. 6. (a) Whenever any plant, mine, or facility is in the possession of the United States, it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person, to interfere, by lock-out, strike, slow-down, or other interruption, with the operation of such plant, mine, or facility, or (2) to aid any such lock-out, strike, slow-down, or other interruption interfering with the operation of such plant, mine, or facility by giving direction or guidance in the conduct of such interruption, or by providing funds for the conduct or direction thereof or for the payment of strike, unemployment, or other benefits to those participating therein. No individual shall be deemed to have violated the provisions of this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

It may have been unfortunate that it was necessary to use several soldiers in ejecting Mr. Avery from the plant and from his office. It was not the first time soldiers were used in the taking over of a plant. We all know that soldiers were sent to some of the mines which were taken over because of a labor strike and because the miners quit work. The soldiers were not required to eject bodily anyone from the mines or to carry anyone out, because the miners, the mine operators, and the owners obeyed the order of the President, and it was not necessary for the soldiers to eject anyone. However, I do not recall hearing any Senator rise in his place to denounce the Government of the United States or the President of the United States, or the Army of the United States when soldiers were sent to the mines of the country to be on guard in connection with the preservation of order and, if necessary, to take possession of the mines which were taken over by the President under the Smith-Connally Act or under any authority conferred upon him by the Selective Service Act, by the Second War Powers Act, or any other act of Congress.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. SHIPSTEAD. I wish to invite attention of the Senator to a portion of section 3 of Public Law 89, and to section 9 of the Selective Training and Service Act of 1940, as amended. I wish to read the following part of the section, which occurs somewhat subsequent to the portion the Senator from Kentucky read:

Provided, That whenever any such plant, mine, or facility has been or is hereafter so taken by reason of a strike, lock-out, threatened strike, threatened lock-out, work stoppage, or other cause, such plant, mine, or facility shall be returned to the owners.

After the amendment of the Selective Training and Service Act the language was not confined to the words "strike, lock-out, threatened strike, threatened lock-out, work stoppage," but it also included the words "other cause."

Mr. BARKLEY. I should interpret the words "other cause" as meaning any other cause which might be calculated to interfere with the war effort. However, under the language read by the Senator from Minnesota, the President would have very wide authority and discretion in determining what would be the "other cause" which would justify the taking over of a plant.

Mr. SHIPSTEAD. If I may say so, it seems to me that the Smith-Connally Act made it possible for the President to take over a plant whenever there was a threat of a strike or other labor controversy.

Mr. BARKLEY. That is undoubtedly true.

Mr. SHIPSTEAD. That is what I thought, and for that reason I voted against the measure.

Mr. BARKLEY. I was not present at the time when the Senate voted to pass the bill, the objections of the President of the United States to the contrary notwithstanding. But I voted for the Smith-Connally bill, which subsequently was changed by the amendments made to the bill in the other House. I was ill and was not present in the Senate when, after the bill was passed by the two Houses, the conference report was agreed to. If I had been present at the time, I would have voted against the conference report, and subsequently would have voted to sustain the veto of the President.

Mr. President, I rose to state that, despite all the furor which has been created by the Montgomery Ward & Co. case there have been in the past similar situations in which the Army was utilized. No objection ever was made on the floor of the Senate, because they had to do with interruptions of work brought about by labor unions, not by the head of a great commercial organization. I do not know whether that fact has anything to do with the attitude of Senators on the subject; but if we try the case in the Senate, I think that circumstance is at least one worthy of consideration.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McCARRAN. I should like to say to the Senate that under a resolution which was adopted some weeks before the Montgomery Ward & Co. case came

into such wide public notice, the Senate Committee on the Judiciary was authorized and directed, and an allocation of funds was made in accordance with the resolution, to make a study of all Executive orders and directives. Under the resolution, the chairman of the Committee on the Judiciary believed that the public interest in the Montgomery Ward & Co. case demanded that the Committee on the Judiciary take notice of the situation, and proceed at once.

Immediately on the matter being drawn to our attention we sent an investigator to the city of Chicago. Reports have come in from the investigator. The investigator will return to the city of Washington tomorrow. The subcommittee of the Committee on the Judiciary expects to proceed with due expedition to the holding of hearings here in the Capitol, at which representatives of Montgomery Ward, as well as the Department of Justice, and perhaps, also, the War Labor Board, will be asked to come before it. The whole matter will be gone into thoroughly and fearlessly, with the idea of determining whether or not additional legislation or new legislation is necessary. That seems to me to be the function of a congressional investigating body, and we shall proceed along that line and proceed within the next few days, and continue to a conclusion, when we will render a report to the Senate.

Mr. BARKLEY. I appreciate what the Senator has said about that matter. Of course, the resolution to which the Senator alludes was adopted practically without opposition here. It was not adopted for the purpose of rendering any finding or final decision upon the legality of orders and proclamations which have been issued by the President since the 4th of March 1933.

I think we all agree that the function of committees is to provide legislation and recommendations for legislation. No matter what the Judiciary Committee or any other committee might report upon a matter of this kind, it would bind nobody. It would be worth whatever it might be worth in the way of recommendations for legislation to amend existing law or enact legislation where no law is now on the statute books.

The point I made then and the point I make now is that such investigation, no matter what its findings may be, can have no legal effect upon a decision of a court in determining the power of the President.

Mr. McCARRAN. The expression of the Senator is entirely correct; what he says is undoubtedly true; but I may say that in my knowledge nothing has more aroused the American public than has the Montgomery Ward case at this hour in this Nation. The people today are calling for advice as to what their particular status is in their respective private businesses. It seems to me that the Committee on the Judiciary or any other committee, or the Congress itself, or the Senate can well afford to take steps to set the people at rest by some appropriate act. An expression on the floor of the Senate, after a careful and as far as possible a judicial investigation of the

whole matter has been brought about, might go far in that direction.

Mr. BARKLEY. I wish to say that I have no objection to the complete and fullest investigation of the whole Montgomery Ward episode. I had no objection to the original resolution under which the Committee on the Judiciary is now acting. I do not care who investigates it or how many investigations are made, so long as an impartial report of the facts and recommendations of the committee may be concerned.

It has been stated here that out of more than 6,000 labor disputes and controversies in the United States since January 1942 the War Labor Board has been able to settle all of them except 17. I do not know whether the Montgomery Ward dispute is among the 17, but there have been only 17 or 18 certified by the War Labor Board to the President. The President has attempted to settle those 17 by issuing an order in most cases for the striking workers to go back to work, and I think that in the majority of cases they have complied. So it seems, in spite of all the publicity and the Nation-wide interest in the Montgomery Ward case, growing out of its large connections and the sale of its commodities to some 30,000,000 people in the United States, that there is no danger of disrupting the ordinary processes of procedure because of 17 or 18 labor disputes, whether in that number the Montgomery Ward case is included.

It so happens that the President took over a plant in my State about 2 weeks ago involving 4,000 employees of the Ken-Rad Tube Co., in Owensboro, Ky. The company immediately went into court to challenge the authority of the President in taking over the plant. In Chicago the Attorney General went into court by obtaining a temporary injunction or restraining order, which is familiar to all lawyers who practice law in the general courts. In one case the company went into court to challenge the authority of the President in taking over the plant, and in the other case the Attorney General, or the Government through him, went into court to restrain the officers of a company from interfering with the Government's operation of the plant. In both cases the court must decide the legality of the action taken.

Because it is now in the courts I have refrained, as a Senator from Kentucky, as Members of the House of Representatives and others have refrained, from discussing that matter, although it is one of wide controversy in my State. Arguments were had before the Federal judge in Kentucky to determine whether the Government had the power to take over the plant. So, it seems to me to be extremely improper and inappropriate for me to discuss a case in my own State which the courts are called upon to settle, either for the purpose of trying to influence the court or for the purpose of trying to obtain some political advantage because of any side I might take or any comment I might make upon the act of the Government in taking over the particular plant.

In conclusion, Mr. President, I wish to read a very brief editorial which I hap-

pened to pick up yesterday in the Evening Bulletin of the city of Philadelphia, which I think if I recall rightly is a Republican newspaper; it certainly is not a Democratic newspaper. It may be independent; I am not certain about that; but it certainly is not what the Senator from New Hampshire would scornfully refer to as a New Deal newspaper.

Mr. BRIDGES. Mr. President, I am very glad that the Senator puts me in that category.

Mr. BARKLEY. At one time or another I get into all categories in my effort to be fair. The editorial, as I have said, appeared in the Philadelphia Evening Bulletin of yesterday, and the title of it is, "Still a Free People." It reads as follows:

STILL A FREE PEOPLE

Nothing but heat is added to the Montgomery Ward case by rhetorical questions in Congress suggesting that Attorney General Biddle aims to be an American Himmler or that a gestapo is being created. Opinions will differ about the wisdom of proceeding in the way the Government has acted, but our institutions are not in peril of being overthrown.

According to American tradition and practice, the courts are now being asked to decide the legality of the Government's action. The judiciary is independent and is not being terrorized by the Executive. This is the normal democratic approach to a solution of a conflict in interpretation of a law, and it bears no resemblance to procedure in a totalitarian state.

If the court should decide that the Attorney General's broad views of the President's war powers are correct, the right of Congress to change the law remains.

Congress also has the authority to modify provisions of the Wagner Act which, as at present administered, works injustice on employees or promotes the type of dispute which has led to the Montgomery Ward seizure. Since the courts continue to function and the people have the right to select Members of Congress, the overthrow of basic American liberties is not in sight.

That ought to be a consoling editorial, from at least an independent newspaper, to those who see in the Montgomery Ward episode the undermining of all our liberties, the departure of free institutions from the American continent, and the tearing of our Constitution into tatters.

I have concluded what I wished to say, and I therefore yield the floor.

Mr. BARKLEY subsequently said: Mr. President, in the discussion of the Montgomery Ward & Co. beach head this morning reference was made to the opinion of the Attorney General which was submitted by him to the President. I have obtained a copy of the opinion delivered to the President on the 22d of April 1944 and I ask unanimous consent that it be printed in the Record at this point as a part of my remarks.

There being no objection, the opinion was ordered to be printed in the Record, as follows:

APRIL 22, 1944.

The President,
The White House.

MY DEAR MR. PRESIDENT: My opinion has been requested on the legality of a proposed Executive order directing the Secretary of Commerce to take possession of and to operate certain plants and facilities of Montgomery Ward & Co. in Chicago, Ill., in which a

strike is now in progress. From information received from other agencies and departments of the Government, I understand that the relevant facts are as follows:

Montgomery Ward is an Illinois corporation with its principal place of business in Chicago, Ill. It is engaged in selling commodities by mail order and at retail and in manufacturing certain of the commodities that it sells. In the fiscal year 1943 the company's gross sales amounted to \$634,276,000. It is one of the two largest mail-order houses in the United States. The more important items of merchandise that the company handles include automobile supplies; building materials; farm machinery, equipment and supplies, including repair parts; heating apparatus; plumbing supplies; electrical supplies; clothing and shoes; drugs; furniture; hardware; home furnishings; drygoods and tiles. The company's plants and facilities in Chicago, Ill., include a warehouse, a mail-order division, and a retail store. It also operates mail-order establishments in 8 other States and retail stores in each of the other 47 States. The total number of the retail stores is in excess of 600. The company employs approximately 70,000 persons. No exact information as to the number of its customers is available, but it is conservatively estimated that they number in the millions. The company owns four factories which manufacture paints, varnish, fencing, and part of the farm equipment and supplies sold by the company. The paint factory is located at Chicago Heights, Ill. Other commodities distributed by the company are bought by it directly from manufacturers.

At the present time Hummer Manufacturing Co., a division of Montgomery Ward & Co., located at Springfield, Ill., is engaged in making carburetors, propellers, and gun mounts for military aircraft. Hummer Manufacturing Co. also makes farm supplies and machinery, including repair parts. Other divisions of Montgomery Ward & Co. are engaged in making or distributing other goods that are essential to the maintenance of the war economy. The company is an important distributor of general farm supplies and of farm machinery, such as corn and cotton planters, deep- and shallow-well systems, soil pulverizers, hay loaders, and poultry and farm equipment. Approximately 75 percent of the mail-order customers of the company are farmers, engaged in the production of essential agricultural commodities, who live in areas where they must depend upon mail-order houses for many necessary articles.

Government agencies have recognized the importance of the company to our war economy. The War Production Board has granted the company priority ratings for the materials it uses in the manufacture of commodities such as farm pumps, cream separators, paint, work clothing, wire and chain, that the Board regards as essential to the war effort.

The War Production Board has also assigned preference ratings to Montgomery Ward to enable it to buy from manufacturers other goods, for example, farm equipment, tools, and supplies of various kinds, that are required for essential civilian uses. Since April 1942, the Chicago branch of the company has filed with the War Production Board approximately 36,000 applications for preference ratings of this kind. Because of the scarcity of paper and paper products, it is impossible to obtain shipping containers without a preference rating from the War Production Board. Montgomery Ward has been given preference ratings to enable it to buy containers for packaging merchandise to fill mail orders. Furthermore, the War Production Board has given Montgomery Ward & Co. a preference rating for maintenance, repair, and operating supplies which enables the company to get supplies that would otherwise be unobtainable. Because of the company's importance to the war economy, the

Office of Defense Transportation has granted certificates of war necessity for approximately 45 trucks that are either owned or operated by the company in various areas of the country.

For a number of years the company has been engaged in disputes with its employees. Since 1939 labor controversies in the company's plants in St. Paul, Minn.; Kansas City, Mo.; and Portland, Oreg., have led to four proceedings before the National Labor Relations Board. In each of the cases the National Labor Relations Board found that the company had engaged in unfair labor practices and entered orders directing the company to cease its illegal activities. In three of the cases the orders of the National Labor Relations Board were affirmed in whole or in part by circuit courts of appeal. In the other case, the first order made by the National Labor Relations Board having been set aside by a circuit court of appeals, the Board, after rehearing, entered a second order which directed the company to reinstate certain discharged employees and to cease unfair labor practices. The company did not appeal from this order.

Since 1940 the company has been engaged in a dispute with its employees in Chicago. The issues have been: (1) The right of the United Mail Order, Warehouse & Retail Employees Union of the United Retail, Wholesale & Department Store Employees of America to represent the employees for purposes of collective bargaining and (2) the terms and conditions of the agreements between the company and the union, particularly those relating to union security, arbitration of employee grievances, and seniority. The issues as to the representation of different units of the company's employees were determined by two certifications by the National Labor Relations Board, one made on August 26, 1940, the other on February 28, 1942, and by voluntary recognitions of the union made by the company on April 27, 1942, and May 18, 1942. In the proceedings before the National Labor Relations Board which resulted in the certification dated February 28, 1942, the Board found that the company had been guilty of unfair labor practices in its plant in Chicago.

On June 2, 1942, the Secretary of Labor, pursuant to Executive Order 9017, dated January 12, 1942, certified to the War Labor Board a dispute between the certified union and the company over those terms and conditions of the collective-bargaining agreement that related to union security, arbitration of employee grievances, and seniority. The company then took the position that it would never agree to include in the contract any provisions for arbitration of employee grievances, seniority, or union security. The company also objected to the jurisdiction of the Board. After a hearing, the public, industry, and labor members of the Board, on June 29, 1942, unanimously decided that the dispute, if not peacefully settled, might interfere with the effective prosecution of the war, and that the dispute therefore fell within the Board's jurisdiction.

A panel, composed of representatives of industry, labor, and the public, heard the case for the Board and issued a unanimous report in two parts. The first part, dated August 31, 1942, dealt with the question of wages. On September 5, 1942, the Board unanimously adopted this part of the panel report and incorporated its recommendations in a directive order of the Board. The company voluntarily accepted this order.

The second part of the panel report, dated October 18, 1942, dealt with the questions of union security, arbitration of employee grievances, and seniority. On November 5, 1942, the Board, following the recommendations contained in part 2 of the report, unanimously directed the Company to include provisions for union security, arbitration, and seniority in its agreement with the union.

In a letter to the Board, dated November 13, 1942, the company rejected this order but stated that if the President of the United States as Commander in Chief directed the company to respect the order, it would respectfully obey. On November 18, 1942, you wrote a letter to the president of the company, directing the company to comply with the Board's order of November 5, 1942. Thereafter, the company stated that it would comply with this direction and on December 8, 1942, the agreement became effective. Under the Board's order the agreement was to remain in force for 1 year.

Prior to the expiration of the contract on December 8, 1943, the company notified the union that upon the termination of the contract it would not recognize the union or negotiate a renewal of the agreement. The company took this position on the ground that despite the prior certification by the National Labor Relations Board, the union no longer represented a majority of the employees in the warehouse and retail store, the two major bargaining units designated by the National Labor Relations Board. On December 6, 1943, the ensuing labor dispute was certified to the National War Labor Board by the Secretary of Labor and the United States Conciliation Service pursuant to the War Labor Disputes Act, which had become law on June 25, 1943.

A public hearing was held before the National War Labor Board on December 16, 1943. On January 13, 1944, the Board directed that the terms and conditions of the contract should be extended without change for a period of 30 days provided that the union should within that time commence a proceeding before the National Labor Relations Board for a determination of the representation question. The Board further directed that if the union did begin such a proceeding, the terms and conditions of the contract should continue to govern the relations between the parties, until the issue as to the right of representation had been determined, or until further order of the National War Labor Board. Thereafter, the union complied with the Board's order by commencing a proceeding before the National Labor Relations Board, but the company refused to extend the contract or to comply with its provisions. After a hearing on March 29, 1944, the National War Labor Board directed the company to restore the status quo by complying with the order of January 13, 1944, and to maintain the status quo thereafter until the issue as to representation had been finally determined. The company has refused to accept this order.

Repeated efforts by the War Labor Board to persuade the company to maintain the status quo in Chicago so that the issue of representation could be decided in a peaceful and orderly way failed, and on April 12, 1944, the union called a strike in the Chicago plant. Approximately 5,500 persons are employed in the plant, and it is estimated that the greater part of these employees are now on strike. The National War Labor Board states that there is substantial and immediate danger that this labor disturbance will spread to other plants and facilities of Montgomery Ward & Co., including those of Hummer Manufacturing Co. which is now engaged in making parts for military aircraft. The Board also represents that there is a real and present danger that the disturbance will spread to the plants and facilities of other companies, both in the Chicago area and elsewhere, that are engaged in producing essential civilian and military goods. Local unions in Chicago in many of the important war plants have voted to support the Montgomery Ward employees who are on strike. The National Brotherhood of Teamsters, Chauffeurs, and Helpers of the American Federation of Labor in Chicago are refusing to make deliveries to, or to take

shipments from, Montgomery Ward & Co. Various affiliates of the railway brotherhoods have refused to handle deliveries to, or shipments from, Montgomery Ward & Co.

The National War Labor Board has issued four other orders involving labor disputes arising in the plants and facilities of Montgomery Ward in Oakland, Calif.; Portland, Oreg.; Denver, Colo.; Detroit, Mich.; and Jamaica, N. Y., and in the plant and facilities of Hummer Manufacturing Co., at Springfield, Ill. The company has refused to accept or to comply with any of these orders.

The War Labor Board states that the company's repeated refusals to accept the orders of the Board and the recurring disputes between the company and its employees threaten to impair or to break down the machinery for the peaceful and orderly adjustment of wartime labor disputes established by the Congress in the War Labor Disputes Act.

By a unanimous vote of its members the National War Labor Board has referred this matter to you for appropriate action. In the letter of reference, dated April 13, 1944, Mr. Davis, the Chairman of the Board, stated that the repercussions of the situation in Chicago may have a serious effect on the war effort.

In my opinion, the facts that have been summarized justify the following conclusions:

1. Montgomery Ward & Co. is engaged in activities of a kind that are essential to the maintenance of our war economy. An interruption or stoppage of the company's activities would have a serious adverse effect upon the war effort.

2. There is a real and present danger that the labor dispute that is now interrupting the operations of the plants and facilities of the company in Chicago may extend throughout the Nation and interrupt the operations of other plants and facilities of the company. There is an equally real and present danger that the dispute will breed other labor controversies that will interrupt the operations of plants and facilities of other companies, both in the Chicago area and elsewhere, that are engaged in making or distributing goods or performing services that are essential to the war effort.

3. There is now no reason to expect that the disputes between the company and its employees in Chicago and elsewhere in the United States will be settled promptly and peacefully either by agreement or by the machinery that Congress has set up in the War Labor Disputes Act.

The basic legal question is whether you have the authority to take possession of and to operate the plants and facilities of Montgomery Ward & Co. in Chicago in order to prevent a serious interference with the war effort. Section 3 of the War Labor Disputes Act (Public Law 89, 78th Cong.) provides, in part, as follows:

"The power of the President under the foregoing provisions of this section to take immediate possession of any plant upon a failure to comply with any such provisions, and the authority granted by this section for the use and operation by the United States or in its interests of any plant of which possession is so taken, shall also apply as herein-after provided to any plant, mine, or facility equipped for the manufacture, production, or mining of any articles or materials which may be required for the war effort or which may be useful in connection therewith. Such power and authority may be exercised by the President through such department or agency of the Government as he may designate, and may be exercised with respect to any such plant, mine, or facility whenever the President finds, after investigation, and proclaims that there is an interruption of the operation of such plant, mine, or facility as a result of a strike or other labor disturbance, that the

war effort will be unduly impeded or delayed by such interruption, and that the exercise of such power and authority is necessary to insure the operation of such plant, mine, or facility in the interest of the war effort."

On the basis of the facts that have been summarized, and the conclusions that those facts justify, it is my opinion, first, that the plants and facilities of Montgomery Ward are the kind of plants and facilities whose seizure is authorized by section 3, and, second, that you may properly make the findings required by section 3 as a condition precedent to the exercise of the power that it confers. I believe, therefore, that section 3 of the War Labor Disputes Act authorizes you to take possession of and to operate the plants and facilities of Montgomery Ward & Co.

It is not necessary, however, to rely solely upon the provisions of section 3 of the War Labor Disputes Act. As Chief Executive and as Commander in Chief of the Army and Navy, the President possesses an aggregate of powers that are derived from the Constitution and from various statutes enacted by the Congress for the purpose of carrying on the war. The Constitution lays upon the President the duty "to take care that the laws be faithfully executed." The Constitution also places on the President the responsibility and invests in him the powers of Commander in Chief of the Army and Navy. In time of war, when the existence of the Nation is at stake, this aggregate of powers includes authority to take reasonable steps to prevent nationwide labor disturbances that threaten to interfere seriously with the conduct of the war. The fact that the initial impact of these disturbances is on the production or distribution of essential civilian goods is not a reason for denying the Chief Executive and the Commander in Chief of the Army and Navy the power to take steps to protect the Nation's war effort. In modern war the maintenance of a healthy, orderly, and stable civilian economy is essential to successful military effort. The Congress has recognized this fact by enacting such statutes as the Emergency Price Control Act of 1942; the act of October 2, 1942, entitled "An act to amend the Emergency Price Control Act of 1942 and to aid in preventing inflation, and for other purposes"; the small business mobilization law of June 11, 1942; and the War Labor Disputes Act. Even in the absence of section 3 of the War Labor Disputes Act, therefore, I believe that by the exercise of the aggregate of your powers as Chief Executive and Commander in Chief, you could lawfully take possession of and operate the plants and facilities of Montgomery Ward & Co. if you found it necessary to do so to prevent injury to the country's war effort.

I conclude that in the circumstances of this case section 3 of the War Labor Disputes Act and your constitutional and statutory powers as Chief Executive and Commander in Chief of the Army and of the Navy, considered either separately or together, authorize you to direct the Secretary of Commerce to take possession of and to operate the plants and facilities of Montgomery Ward & Co. in Chicago, Ill.

The proposed Executive order, presented by the Chairman of the National War Labor Board and forwarded for my consideration by the Director of the Bureau of the Budget, has my approval as to form and legality.

Respectfully yours,

FRANCIS BIDDLE,
Attorney General.

Mr. BARKLEY. Mr. President, I also ask unanimous consent that at the conclusion of the remarks which I made earlier in the day in regard to the Montgomery Ward & Co. case, the President's message vetoing the Smith-Connally bill, and the yea-and-nay vote on the veto, be printed in the RECORD.

There being no objection, the President's message and the yea-and-nay vote thereon were ordered to be printed in the RECORD, as follows:

To the Senate:

I am returning herewith, without my approval, S. 796, the so-called war labor disputes bill.

It is not a simple bill, for it covers many subjects. I approve many of the sections; but other sections tend to obscure the issues or to write into war legislation certain extraneous matter which appears to be discriminatory. In the form submitted to me the accomplishment of this avowed purpose—the prevention of strikes in wartime—could well be made more difficult instead of more effective.

Let there be no misunderstanding of the reasons which prompt me to veto this bill at this time.

I am unalterably opposed to strikes in wartime. I do not hesitate to use the powers of government to prevent them.

It is clearly the will of the American people that for the duration of the war all labor disputes be settled by orderly procedures established by law. It is the will of the American people that no war work be interrupted by strike or lock-out.

American labor as well as American business gave their "No strike, no lockout" pledge after the attack on Pearl Harbor.

That pledge has been well kept except in the case of the leaders of the United Mine Workers. For the entire year of 1942, the time lost by strikes averaged only five one-hundredths of 1 percent of the total man-hours worked. The American people should realize that fact—that ninety-nine and ninety-five one-hundredths percent of the work went forward without strikes, and that only five one-hundredths of 1 percent of the work was delayed by strikes. That record has never before been equaled in this country. It is as good or better than the record of any of our allies in wartime.

But laws are often necessary to make a very small minority of people live up to the standards the great majority of people follow. Recently there has been interruption of work in the coal industry, even after it was taken over by the Government. I understand and sympathize with the general purpose of the war disputes bill to make such interruptions clearly unlawful.

The first seven sections of the bill are directed to this objective.

Section 1 provides that the act may be cited as the "War Labor Disputes Act."

Section 2 relates to definitions.

Section 3 gives statutory authority to the President to seize war facilities—a power already exercised on several occasions under Executive order or proclamation.

Sections 4 and 5 of the bill provide for maintaining existing terms and conditions of employment except as directed by the War Labor Board.

Section 6 makes it a criminal offense to instigate, direct, or aid a strike in a Government-operated plant or mine.

This would make possible the arrest of a few leaders who would give bond for their appearance at trial. It would assure punishment for those found guilty, and might also have some deterrent effect. But it would not assure continuance of war production in the most critical emergencies.

Section 7 gives the National War Labor Board statutory authority and defines its powers.

Broadly speaking, these sections incorporate into statute the existing machinery for settling labor disputes. The penalties provided by the act do not detract from the moral sanctions of labor's no-strike pledge.

If the bill were limited to these seven sections I would sign it.

But the bill contains other provisions which have no place in legislation to prevent strikes in wartime and which in fact would foment slow-downs and strikes.

I doubt whether the public generally are familiar with these provisions. I doubt whether the Congress had the opportunity fully to appraise the effects of these provisions upon war production.

Section 8 requires the representative of employees of a war contractor to give notice of a labor dispute which threatens seriously to interrupt war production to the Secretary of Labor, the National War Labor Board, and the National Labor Relations Board in order to give the employees the opportunity to express themselves by secret ballot whether they will permit such interruption of war production.

It would force a labor leader who is trying to prevent a strike in accordance with his no-strike pledge, to give the notice which would cause the taking of a strike ballot and might actually precipitate a strike.

In wartime we cannot sanction strikes with or without notice.

Section 8 further makes it mandatory that the National Labor Relations Board on the thirtieth day after the giving of the notice take a secret ballot among the employees in the "plants, mines, facilities, bargaining unit, or bargaining units," as the case may be on the question of whether they will stop work. This requirement would open the whole controversy over "bargaining units," a fruitful source of controversy and of bitter jurisdictional strife.

Section 8 ignores completely labor's "no strike" pledge and provides in effect for strike notices and strike ballots. Far from discouraging strikes these provisions would stimulate labor unrest and give Government sanction to strike agitations.

The 30 days allowed before the strike vote is taken under Government auspices might well become a boiling period instead of a cooling period. The thought and energies of the workers would be diverted from war production to vote-getting.

The heads of our military, naval, and production agencies have testified that these provisions are likely to be subversive of the very purpose of the bill—uninterrupted production.

Section 9 of the bill prohibits, for the period of the war, political contributions by labor organizations. This provision obviously has no relevancy to a bill prohibiting strikes during the war in plants operated by the Government or to a War Labor Disputes Act. If there be merit in the prohibition, it should not be confined to wartime, and careful consideration should be given to the appropriateness of extending the prohibition to other nonprofit organizations.

There should be no misunderstanding—I intend to use the powers of government to prevent the interruption of war production by strikes. I shall approve legislation that will truly strengthen the hands of government in dealing with such strikes, and will prevent the defiance of the National War Labor Board's decision.

I recommend that the Selective Service Act be amended so that persons may be inducted into noncombat military service up to the age of 65 years. This will enable us to induct into military service all persons who engage in strikes or stoppages or other interruptions of work in plants in the possession of the United States.

This direct approach is necessary to insure the continuity of war work. The only alternative would be to extend the principle of selective service and make it universal in character.

I recognize that this bill has an entirely praiseworthy purpose to insure full war production. But I am convinced that section 8 will produce strikes in vital war plants which otherwise would not occur. Therefore, I

could not properly discharge the duties of my office if I were to approve S. 796.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, June 25, 1943.

The legislative clerk called the roll.

Mr. OVERTON. I announce that my colleague the junior Senator from Louisiana [Mr. ELLENDER] is unavoidably detained because of illness.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Kentucky [Mr. BARKLEY] are absent from the Senate because of illness.

The Senator from North Carolina [Mr. BAILEY], the Senator from Idaho [Mr. CLARK], and the Senator from Illinois [Mr. LUCAS] are detained on important public business.

The Senator from Iowa [Mr. GILLETTE], who, if present, would vote "yea," is necessarily absent.

The junior Senator from Kentucky [Mr. CHANDLER] is absent, having been directed by the chairman of the Committee on Military Affairs as a subcommittee to visit the hospital ship which recently reached New York from Africa.

The Senator from Washington [Mr. WALLGREN] is absent on official business for the Special Committee to Investigate the National Defense Program.

The Senator from Kentucky [Mr. CHANDLER] and the Senator from New Jersey [Mr. BARBOUR], who, if present, would vote "yea," are paired with the Senator from Washington [Mr. WALLGREN], who, if present, would vote "nay."

The Senator from Virginia [Mr. GLASS] and the Senator from Ohio [Mr. BURTON], who, if present, would vote "yea," are paired with the Senator from Idaho [Mr. CLARK], who would vote "nay."

Mr. McNARY. The following Senators would vote "yea," if present:

The Senator from Vermont [Mr. AUSTIN], the Senator from New Jersey [Mr. BARBOUR], the Senator from Ohio [Mr. BURTON], and the Senator from South Dakota [Mr. BUSHFIELD].

The Senator from California [Mr. JOHNSON] is absent because of illness.

The Senator from South Dakota [Mr. BUSHFIELD] is absent on official business as a member of the Indian Affairs Committee.

The Senator from Vermont [Mr. AUSTIN] and the Senator from New Jersey [Mr. BARBOUR] are necessarily absent.

The Senator from Ohio [Mr. BURTON] is absent as a member of the special committee of the Senate attending a meeting of the Canada branch of the Empire Parliamentary Association at Ottawa, Canada.

The result was announced—yeas 56, nays 25, as follows:

Yeas, 56: Aiken, Andrews, Bankhead, Bilbo, Brewster, Bridges, Brooks, Buck, Butler, Byrd, Capper, Caraway, Chavez, Connally, Eastland, Ferguson, George, Gerry, Gurney, Hatch, Hawkes, Hayden, Hill, Holman, Lodge, McClellan, McKellar, McNary, Maloney, Maybank, Millikin, Moore, O'Daniel, O'Mahoney, Overton, Pepper, Radcliffe, Reed, Revercomb, Reynolds, Robertson, Russell, Smith, Stewart, Taft, Thomas of Idaho, Thomas of Oklahoma, Tobey, Tydings, Vandenberg, Van Nuys, Wherry, White, Wiley, Willis, Wilson, Nays, 25: Ball, Bone, Clark of Missouri, Davis, Downey, Green, Guffey, Johnson of Colorado, Kilgore, La Follette, Langer, McCarran, McFarland, Mead, Murdock, Murray, Nye, Scrugham, Shipstead, Thomas of Utah, Truman, Tunnell, Wagner, Walsh, Wheeler.

Not voting, 15: Austin, Bailey, Barbour, Barkley, Burton, Bushfield, Chandler, Clark of Idaho, Danaher, Ellender, Gillette, Glass, Johnson of California, Lucas, Wallgren.

THE VICE PRESIDENT. On this question, more than two-thirds of the Senators present having voted in the affirmative, the bill, on reconsideration, is passed, the objections

of the President of the United States to the contrary notwithstanding.

THE RECONSTRUCTION FINANCE CORPORATION AND THE CHICAGO & EASTERN ILLINOIS RAILROAD—LETTERS BY HON. JESSE H. JONES

Mr. JOHNSON of Colorado. Mr. President, on March 30 the Senator from Kansas [Mr. REED] and the Senator from Missouri [Mr. CLARK] submitted Senate Resolution 278, to investigate the alleged improper influence of the Reconstruction Finance Corporation and the Secretary of Commerce with the holders of shares of railroad stock.

This resolution was referred to the Senate Interstate Commerce Committee, and in turn was referred to the subcommittee of which I am the chairman. Today I received a letter from the Honorable Jesse H. Jones, Secretary of Commerce, with respect to the attempted manipulation of the stock of the Chicago & Eastern Illinois Railroad by a party by the name of Boatner.

I ask unanimous consent to insert in the CONGRESSIONAL RECORD as a part of my remarks the letter which Mr. Jones wrote to me today, and the letter which he wrote to Mr. O'Neal, president of the Chicago & Eastern Illinois Railroad, on October 11, 1943, which speak for themselves.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,

Washington, April 30, 1944.

HON. EDWIN C. JOHNSON,
United States Senate,

Washington, D. C.

DEAR SENATOR JOHNSON: Due to other engagements, it may not be possible for me to attend the hearing which you have scheduled for May 5 with respect to the Chicago & Eastern Illinois Railroad. However, we will be glad to furnish you with any facts or information in connection with our dealings with this or any other railroad to which we lend money.

My attention has been called to certain statements by Mr. Victor Boatner regarding the activities of the R. F. C. and myself in connection with the C. & E. I. Some of his statements are false. His publicity campaign and his appeal to Senator WHEELER seem intended to draw a red herring across his own trail in trying to get control of the C. & E. I. I think it is well known that Mr. Boatner has been making large profits buying and selling securities of this road while serving on the board of directors.

He called to see me early in 1942 and told me that he and some associates, including a brokerage or banking house in New York, had bought a large amount of the common stock of this road from the Chesapeake & Ohio Railroad Co., something over 67,000 shares at \$1.06 a share, and that he wanted to be elected to the presidency of the road. He solicited my support. He also stated that they had bought some of the preferred stock.

In other words, for a comparatively small amount of money he and his associates were endeavoring to get control of the road, and Mr. Boatner its presidency at a fat salary.

At the stockholders' meeting May 8, 1942, Boatner and his group secured the election of five directors, and it was not long until Mr. Boatner was urging that a dividend of \$1 a share be paid on the common stock. This was approximately the cost to them of much of their stock. The board did not vote this dividend, but later declared a dividend of 50 cents a share on the common. There have also been paid four dividends on the preferred

stock, one of 59 cents a share January 15, 1943, one of \$1 a share June 15, 1943, one of \$1 a share October 15, 1943, and one of \$1 a share April 15, 1944.

It is well known that in the past many of our railroads have suffered from exploitation, and speculators are now active in cheap railroad stocks because of the large temporary earnings made possible by the war. These operators will bear watching, particularly with respect to roads which come out of bankruptcy with low fixed charges. Such roads are easy prey for manipulators. There can, of course, be no objection to investors buying cheap stocks, but any movement to manipulate a railroad for the personal profit of its officers or directors should not be allowed, even if it requires legislation to prevent it.

It is well known that the physical properties, i. e., the roadbeds, facilities, and equipment of all railroads have been under a great strain because of the war, and that due to a lack of available materials and the labor shortage, adequate maintenance has not been possible. The C. & E. I. is no exception.

The C. & E. I. was in receivership from May 1913 to January 1922, and in bankruptcy from 1933 to the end of 1940. I am advised that, except for a few switching engines, it has not been able to buy a new locomotive for 20 years.

The record of this road would indicate that it should not only have a sound financial policy, but management that is interested in the ultimate success of the property, and not in speculating in its securities.

The present management of the C. & E. I. is good, and, notwithstanding that it is operating largely with old equipment, it is doing an excellent job in this emergency.

Upon investigation, it will be found that Mr. Boatner has had very little railroad operation experience, and none since 1931. While he was president of a small terminal or switching company at Peoria for several years, his only experience in management of a railroad was less than 2 years as president of the Chicago Great Western, which also went into bankruptcy in 1935 and was reorganized in 1941.

With the approval of the Interstate Commerce Commission, the R. F. C. made a secured loan to the C. & E. I. Railroad of \$5,916,500 in 1932. Despite this aid, the road went into bankruptcy the following year.

The plan of reorganization, approved by the United States district court, the I. C. C. and the security holders, required approximately \$5,000,000 new cash. The R. F. C. was the only source from which this new money could be had. The plan allowed the R. F. C. \$3,262,000 first mortgage bonds for its debt and accumulated interest. In addition, the R. F. C. bought \$4,933,000 first mortgage bonds at par, making a total R. F. C. investment in the first mortgage bonds of the road of \$11,195,000.

To insure the R. F. C. against loss should it become necessary to sell its bonds at a discount, it received \$1,244,000 additional first mortgage bonds and some other collateral.

Bonds aggregating \$1,034,000 have been paid, leaving a balance now due the R. F. C. of \$10,161,000. The bonds may be called at intervals prior to January 1, 1952, at 105 percent of their face value, from January 1, 1952 to January 1, 1961, at 102 percent of their face value, and after 1961 at 101 percent.

The Federal court and the directors of the road approved the mortgage, and under its terms, Boatner's contention that the road can now legally redeem the whole issue at par is not true.

The plan of reorganization approved by the Federal court and the I. C. C. called for a board of 13 directors, and provided that, as long as the R. F. C. owned as much as \$1,000,000 face value of the road's first mortgage bonds, it should be entitled to approve only

3 of the 13 directors, which certainly does not constitute control.

Of the present board, the three directors approved by the R. F. C. are the Honorable Will Hays, former Postmaster General, Mr. Frank Watts, honorary chairman of the First National Bank in St. Louis, and Mr. James Leavell, president of the Continental Illinois Bank & Trust Co., Chicago.

The R. F. C. has been practically the only source of credit for railroads for more than a decade. Its loans are made on a constructive basis, with no fees or underwriting charges. We have a definite responsibility in making loans to railroads, and while we are not interested in who owns them, we are interested in their management and financial policy if they come to the R. F. C. for money. Management is often as much a factor in lending money as the actual security offered.

It is my considered judgment that if Mr. Boatner has been speculating in the stocks or other securities of the C. & E. I. Railroad while serving as one of its directors, as is indicated by the records, he should be disqualified for any position of management in connection with the road. The officers and directors of a railroad represent the holders of all of its stocks and securities, and should not speculate in them or be allowed to speculate in them.

Mr. Boatner's published statements leave the impression that the policy of the R. F. C. is not in the best interests of stockholders of corporations which find it necessary to borrow from it. The facts are exactly to the contrary, and where loan agreements give the R. F. C. responsibility with respect to dividends to stockholders of its borrowers (which is not true in the case of the C. & E. I.), it cooperates with management and does not interpose objection to their payment when consistent with a sound financial policy of the borrower. However, generally speaking, corporations which can only borrow from the Government should not be too free in the payment of dividends.

I enclose copy of my letter of October 11, 1943, to Mr. O'Neal, president of the C. & E. I., copy of which was sent to each of the directors of the road.

I will appreciate your placing this correspondence in the CONGRESSIONAL RECORD.

Sincerely yours,

JESSE H. JONES,
Secretary of Commerce.

OCTOBER 11, 1943.

MR. C. T. O'NEAL,
President, Chicago & Eastern Illinois
Railroad Co., Chicago, Ill.

DEAR MR. O'NEAL: I am advised that at the directors' meeting of the Chicago & Eastern Illinois Railroad Co., September 17, 1943, a motion to declare a dividend on the common stock was offered but failed to carry because of a tie vote, six of the directors present voting against the dividend and six for it. I am further advised that the directors will again consider the subject of a dividend on the common stock at a special meeting to be held October 15.

The directors of the road have the sole responsibility of its management, including the payment of dividends when earnings are sufficient to pay them. However, in view of all the circumstances in connection with this railroad—the fact that it was in receivership from May 1913 to January 1922, and in bankruptcy from April 1933 to January 1941, and that investors in the road's securities took heavy losses—the directors would not be in too big a hurry to pay dividends on the present common stock of the road, when such dividends could only be paid because of unusual earnings due to the war, and which are temporary.

As late as November 1941, the holders of a substantial amount of this common stock bought 67,484 shares of it from the Chesapeake & Ohio Railway Co., at \$1.06 a share, and they are now insisting upon a dividend.

The road still has a large debt which should be greatly reduced before any dividends are paid on the common stock.

Do you not think it would be better and to the interest of the road if such funds as can be spared during this period of high earnings are used to retire debt in some fair proportion between its first mortgage and income bonds? I am sure the Reconstruction Finance Corporation would cooperate with you in such a plan.

This course will work to the ultimate benefit of the stockholders.

As you well know, the Reconstruction Finance Corporation was the only source of credit available to this railroad for its last reorganization, and if we are to judge the future by the past, the Reconstruction Finance Corporation or some other Government agency is apt to be the principal source of credit for railroads in the future, particularly when earnings are lean.

Again, I emphasize that the management of your road is with its directors. My concern is that of one who has lived with troubled railroads for a dozen years and who feels that many of their troubles have come from improvident financing and not from the physical operations of the property.

We should bear in mind the possibility that other forms of transportation will make further inroads on the railroads after the war.

I am sending a copy of this letter to each of your directors.

Sincerely yours,

JESSE H. JONES,
Secretary of Commerce.

CONTROL AND ERADICATION OF CERTAIN ANIMAL AND PLANT PESTS AND DISEASES

The Senate resumed the consideration of the bill (H. R. 4278) to provide for the control and eradication of certain animal and plant pests and diseases, to facilitate cooperation with the States in fire control, to provide for the more efficient protection and management of the national forests, to facilitate the carrying out of agricultural conservation and related agricultural programs, to facilitate the operation of the Farm Credit Administration and the Rural Electrification Administration, to aid in the orderly marketing of agricultural commodities, and for other purposes.

Mr. SMITH. Mr. President, House bill 4278 is the unfinished business, and I hope the Senate will now give consideration to the measure.

Mr. GERRY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	Ellender	Murdock
Austin	Ferguson	Murray
Bailey	George	Overton
Bankhead	Gerry	Radcliffe
Barkley	Gillette	Reed
Bilbo	Green	Reynolds
Brewster	Guffy	Robertson
Bridges	Hatch	Russell
Brooks	Hawkes	Shipstead
Buck	Hayden	Smith
Burton	Jackson	Stewart
Bushfield	Johnson, Colo.	Taft
Byrd	Kilgore	Thomas, Idaho
Capper	La Follette	Thomas, Okla.
Caraway	Langer	Tunnell
Chavez	Lucas	Tydings
Clark, Mo.	McCarran	Vandenberg
Connally	McFarland	Walsh, Mass.
Cordon	McKellar	Weeks
Danaher	Maloney	Wheeler
Davis	Maybank	Wherry
Downey	Mead	White
Eastland	Millikin	Wilson

Mr. BARKLEY. I announce that the Senator from Washington [Mr. BONE], the Senator from Virginia [Mr. GLASS], and the Senator from New Jersey [Mr. WALSH] are absent from the Senate because of illness.

The Senator from Utah [Mr. THOMAS] has been appointed by the President of the United States as a delegate to attend the International Labor Organization Conference in Philadelphia, and is, therefore, necessarily absent.

The Senators from Florida [Mr. ANDREWS and Mr. PEPPER], the Senator from Kentucky [Mr. CHANDLER], the Senator from Idaho [Mr. CLARK], the Senator from Alabama [Mr. HILL], and the Senator from Arkansas [Mr. MCCLELLAN] are detained on public business.

The Senator from Nevada [Mr. SCRUGHAM] is absent on official business.

The Senator from New York [Mr. WAGNER] and the Senator from Texas [Mr. O'DANIEL] are necessarily absent.

The Senator from Missouri [Mr. TRUMAN] and the Senator from Washington [Mr. WALLGREN] are absent on official business for the Special Committee to Investigate the National Defense Program.

The Senator from Wyoming [Mr. O'MAHONEY] is absent because of a death in his family.

Mr. WHERRY. The Senator from Oregon [Mr. HOLMAN], the Senator from Oklahoma [Mr. MOORE], the Senator from North Dakota [Mr. NYE], the Senator from Nebraska [Mr. BUTLER], the Senator from West Virginia [Mr. REVERCOMB] and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from Minnesota [Mr. BALL] and the Senator from New Hampshire [Mr. TOBEY] are absent because of illness.

The Senator from Wisconsin [Mr. WILEY] is absent on official business.

The PRESIDING OFFICER (Mr. EASTLAND in the chair). Sixty-nine Senators have answered to their names. A quorum is present.

Mr. SMITH. Mr. President, in considering House bill 4278, I wish to make an explanation. The bill has passed the House. It was sent to the Senate and was referred to our committee. The gentleman from Georgia, Representative PACE, the author of the bill, claimed that it embodied only the items which went out of the appropriation bill in the House on points of order because they were not legally authorized. When the bill came to the Senate, the Senate replaced those items in the bill and made appropriations therefor. The gentleman from Georgia, Representative PACE, asked that the items which went out in the House on points of order be included in the pending bill.

With the exception of certain amendments offered by various Senators, and which have been incorporated in the bill, it seems to me that the only items which are in the bill are those which went out in the House on points of order and were reinstated and appropriated for by the Senate when the appropriation bill came to the Senate.

In view of the fact that the Senator from Georgia [Mr. RUSSELL] has had charge of the agricultural appropriation

bill in the Senate, when it has come over from the House, he is familiar with the various items which have been reinstated and appropriated for. Therefore, I shall ask him to take charge of the bill, except as to the amendments.

Mr. BUSHFIELD. Mr. President, I should like to ask the senior Senator from South Carolina a question.

There have been no hearings held on this bill by the Senate committee, have there?

Mr. SMITH. No.

Mr. BUSHFIELD. House bill 4278 is one of the most important bills to come before the Senate in a long time. The distinguished Senator has said that it is an authorization bill. That is true. It authorizes many things which are controversial. It authorizes many things upon which not one single word of testimony has been submitted to show the necessity of the authorization.

Mr. SMITH. But appropriations have been made for those items, and they have been carried in the agriculture appropriation bills the Senate has passed.

Mr. BUSHFIELD. I agree with the Senator; but if it is not necessary to have an authorization, why bring such a bill before the Senate now?

Mr. SMITH. In order to obviate the loss of time occasioned by points of order in the House, which result in such items being stricken from the appropriation bill.

Mr. BUSHFIELD. The distinguished Senator from South Carolina has stated that there have been no hearings on this bill before the Senate committee. There were two meetings of the Senate Committee on Agriculture and Forestry, both of which I attended. The first meeting was just before the recess, and after a few minutes we adjourned until after the recess. A week ago last Friday, as I recall the date, the committee met again for an hour and 30 minutes. Three amendments to the bill were submitted in the committee. One of them was for the school lunch program; another for the Farm Security Administration; and the third was a tobacco amendment in which the Senator from South Carolina was interested. Those amendments were very briefly discussed by the Senators present. Representative PACE, of North Carolina, appeared before the committee and very briefly explained the bill.

Not a single word of testimony was submitted by anyone showing the need for any of the provisions of the bill. I therefore move that the bill be re-committed to the Committee on Agriculture and Forestry in order that hearings may be held and testimony submitted substantiating the need for it.

Mr. RUSSELL. Mr. President, I hope the motion will be promptly voted down. There is absolutely no justification for recommitting the bill to the standing Committee on Agriculture and Forestry.

Mr. BUSHFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BUSHFIELD. If I correctly understood the Senator, he stated that there is no need for a hearing on this bill, one of the most important bills which have come before the Senate.

Mr. RUSSELL. That is my opinion. In this instance there is no need for hearings before the standing Committee of Agriculture and Forestry, Mr. President, because the items embraced in the bill, with one or two exceptions to which I shall refer in a few minutes, have been the subject of lengthy annual hearings before the subcommittee on agricultural appropriations of the Senate Appropriations Committee, some of them for as long as 50 years. I have before me the hearings on the agricultural appropriation bill which were held by the subcommittee last year. Those hearings lasted for weeks, as they have in prior years—most of these matters have also been discussed on the floor of the Senate at great length on many occasions.

The necessity for the bill grew out of a controversy in the other body between the standing Committee on Agriculture and the Committee on Appropriations.

The items which appear in this bill, some of which have been in appropriation bills for 50 years, deal with things which are part of the warp and woof of the agricultural life of the Nation. They are items which are essential to the public health of our people, and affect every American family. There was no need on earth for the standing Committee on Agriculture and Forestry to retrace that ground, when there were literally hundreds of pages of testimony which had been adduced by another committee, and which were available for the use of the Committee on Agriculture and Forestry.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. WHITE. I understood the Senator from South Carolina [Mr. SMITH] to say that appropriations had been carried for all the items which are included in the bill. I was curious to know what necessity there was for the proposed legislation if there has been law on the statute books authorizing such appropriations.

Mr. RUSSELL. There has been no specific legislation. I will come to that point if the Senator will permit me to proceed for a few minutes.

When the agricultural appropriation bill came to the Senate from the House last year it was nothing but a skeleton. Because of the controversy to which I have referred, the Rules Committee refused to give the Committee on Appropriations a rule. The bill was then riddled on points of order.

I wish to call attention to some of the items which were stricken out on points of order in the House, because of the contention that there was no basic authorization.

One item was for the treatment of tubercular cattle, and the eradication of Bang's disease, to assure a pure source of milk and meat for the people of the Nation. That item had been the subject of congressional consideration and appropriation since 1891, but it was stricken out in the House before the bill came to the Senate, and there is no specific authorization for it in the statutes.

I could enumerate other items in exactly the same category. The work in

the eradication of cattle ticks has been of vital importance to every section of the country; yet there has been no specific legislative authorization for dealing with the cattle tick. Year after year, as the agricultural appropriation bill was presented, there were lengthy hearings upon the appropriation item to show the importance of eradicating the cattle tick. Hearings were held by the Senate committee last year, and the record of those hearings is available to all Members of this body, to show the tremendous importance of this work; and yet there was no specific legislative authorization for the work of eradicating cattle ticks.

The item dealing with hog cholera and related swine diseases has been included in agricultural appropriation bills since 1899, but there was no specific legislative authorization for the Secretary of Agriculture to attempt to assist farmers in dealing with hog cholera and related swine diseases.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. WHITE. Am I justified in understanding, then, that the proposed legislation is an authorization for appropriations which have been made in the past?

Mr. RUSSELL. It is.

Mr. WHITE. Does it undertake to legalize what has been done heretofore?

Mr. RUSSELL. No; I do not think it is in the nature of an *ex post facto* law, because when the Congress enacts an appropriation bill, the authorization in the appropriation bill is legislation for 1 year. The purpose of the bill is permanently to define the power of the Secretary of Agriculture and the Department in dealing with these questions.

Mr. WHITE. Let me put it this way: As I understand, the bill seeks to make lawful in the future activities for which there has been no specific statutory authority in the past, and to lay the basis for future appropriations.

Mr. RUSSELL. The Senator is correct. However, there is considerable controversy on this point, because it has been contended that the broad powers conferred on the Secretary of Agriculture in the act creating the Department in 1862 were sufficient to enable him to do this work. I myself believe that under that language, which instructs him to acquire and diffuse among the people general information on subjects connected with agriculture, in the most general and comprehensive sense of that word, he would be enabled to carry on a great many of these activities. However, the House of Representatives decided otherwise. We cannot legislate without their cooperation and assistance. Indeed appropriation bills must originate there.

Senators will recall that when the agricultural appropriation bill was before us last year approximately 136 amendments were recommended by the Committee on Appropriations. A great many of those amendments were legislative in nature. Senator after Senator rose and condemned the Committee on Appropriations for attempting to legislate, merely because we were seeking to

see that the vital work of this Department was carried on, and that it did not break down in instances in which the work had been in progress for a great number of years.

The purpose of the proposed legislation is to obviate that criticism in the future, and clearly to define and limit the power of the Secretary of Agriculture in dealing with these questions.

There are only two new matters in the bill, and I shall refer to them as soon as I have enumerated some of the other items involved in the bill.

Another item relates to scabies in sheep and cattle. That work has been carried on since 1895. If the Senate should recommit the bill to the Committee on Agriculture and Forestry and endanger the appropriation items, it is possible that this work would be discontinued as of the 1st day of July.

Another item relates to dourine in horses, and emergencies arising out of the existence of contagious and infectious diseases of animals. That has particular reference to the dread hoof-and-mouth disease.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. TAFT. Of course, I believe that a bill of this kind should be passed authorizing a great many things which have previously been done but for which there has been no specific legislative authority. However, when we come to pass an authorization bill, the problem is somewhat different from that in connection with an appropriation bill. In other words, we are permanently granting certain powers to the Secretary of Agriculture.

Mr. RUSSELL. I concede that.

Mr. TAFT. For instance, I am somewhat puzzled about the language contained in section 11, page 2, which reads as follows:

The Secretary of Agriculture, either independently or in cooperation with States or political subdivisions thereof, * * * is authorized to control and eradicate tuberculosis and paratuberculosis of animals—

And so forth. Authority is there expressed in very general terms. The language is "to control and eradicate." Will the Senator tell me what he thinks a man can do to control and eradicate? Does that language mean that he may step into any farmyard, trespass upon any person's property, and tell him what kind of medicine he shall administer to his cattle? I do not know what it would mean, but when authority is given in such sweeping terms it seems to me that there should be a greater specification of just what may be done to carry out the program. The program is a highly desirable one, of course, and I have risen only to suggest a legal question which I should like to have the Senator explain.

Mr. RUSSELL. Of course, the Senator from Ohio knows the difficulties which we would encounter if we were to attempt to spell out all of the activities involved in dealing with each one of these specific diseases of animals or the pests or insects which attack plant life of this country. I think the power of the Secretary of Agriculture to go into

different farms and to eliminate diseases in certain areas has been determined judicially in litigation interpreting similar language which has been carried in appropriation bills.

I should like to refer the Senator from Ohio to page 22 of the Agriculture appropriation bill in order to show that the language he has read from is practically the same language included in the agricultural appropriation bill passed by the Senate last year.

Mr. SMITH. Mr. President, I may say to the Senator from Ohio that this provision has been in operation for years. There has been no difficulty in its operation.

Mr. RUSSELL. The language referred to by the Senator appears on page 22 of the current appropriation bill. It reads as follows:

Eradicating tuberculosis and Bang's disease: For the control and eradication of the diseases of tuberculosis and paratuberculosis of animals, avian tuberculosis, and Bang's disease of cattle.

A certain sum is appropriated, and power is given to the Secretary of Agriculture, if it is necessary, to condemn and destroy tubercular cattle, or cattle reacting to the tests for Bang's disease. That is a public-health measure.

Mr. TAFT. Mr. President, I am not objecting at all to the measure. I merely say that when we are asked to authorize somebody to step upon the premises of another person and condemn his property, as well as destroy his animals, I think a wise legislative policy would provide the manner in which it should be done, the remedies which could be provided, and deal generally with the whole problem so that we would not have such a situation that the Secretary of Agriculture might make any regulation he pleases concerning the condemnation of animals.

Mr. RUSSELL. Each year the Congress protects the situation to which the Senator refers in the appropriation bill. When the Congress makes appropriations for each of these items limitations are written into the measure and they have been carried in the bill for a long number of years. They are applicable to each of the diseases for which the appropriation is made. In the pending appropriation bill under the item for Bang's disease and tubercular cattle, language is provided which is a limitation on the power of the Secretary of Agriculture as to the amount which he can pay for diseased animals, and such limitations have been in similar bill for years.

Mr. TAFT. I suggest that the limitations should be in the authorization bill and should not depend on someone putting something in or taking it out of the appropriation bill. If we are formally to authorize a program which has never been authorized except by appropriation, it should be spelled out properly with the limitation applying to the particular program. As I have said, I do not think there is anything more important than the proposed program. I am raising only the question as to the form in which to provide the authorization.

Mr. RUSSELL. As the Senator knows, it would be almost impossible to draft a

more detailed authorization for each of these items. The bill would be very much longer than it is, and there would be more confusion than we have now. From my experience in undertaking to handle the agricultural appropriation bill, I think it would be most unwise to attempt to do what the Senator has suggested. For example, if there should be a severe epidemic of hog cholera in a certain area, and the law provided that the Secretary of Agriculture could contribute only one-half of the cost of the serum, it would be necessary to pass an act of Congress to enable him to contribute one-half of the cost of the serum to save the hogs in that community.

Mr. TAFT. Will the Senator yield for a moment?

Mr. RUSSELL. Yes.

Mr. TAFT. If Congress should put the limitation in an appropriation in June and the disease occurred in October the Secretary would have to come to Congress and get an appropriation. We cannot legislate for an indefinite period.

Mr. RUSSELL. No, but the Senator from Ohio is aware that a deficiency bill comes through this body almost every 2 or 3 months, and by leaving the matter of a specific regulation as to each individual disease, and each type of animal, open to appropriations limitations we would have a much more flexible program, and one which would enable the farmers and the consuming public of the Nation to be more adequately protected than would be possible by providing for the situation line by line in a permanent statute.

Mr. TAFT. Mr. President, I wish to make the general criticism that over and over again we have passed general authorizations, thinking they meant one thing, and the executive departments have found that they meant a great deal more. The moment we abandon our duty of prescribing definitely the principles of the programs to be carried out we then broaden the power of the executive, and lead to the very kinds of abuses of power which are now being criticized throughout the country. That is not so much the fault of the Executive as it is the fault of Congress in writing blank checks for effectuating the programs.

Mr. RUSSELL. I am sure that the Senator from Ohio would not undertake to compare this proposed legislation with any general grant or delegation of power. Of course, if we are to proceed on the assumption that the people who are to carry out these programs will willfully abuse their power and run over people, stand at their doors and kill their animals, then we can vote against any kind of control and let all the pests and diseases destroy everything. If we do that, we shall perish. We are barely holding our own in the age-old battle between man and the bugs and diseases which threaten our sources of food and clothing. I have heard no charges that the Department has abused its powers in the past.

Mr. TAFT. Mr. President, I do not suggest anything like that at all. I should like to have the Senator's assurance that he does not think this measure would grant any authority to go beyond

the program which has been conducted during the past 5 years under other appropriation bills.

Mr. RUSSELL. With the exception of the amendments with respect to the Rural Electrification plan there is no new power of consequence delegated to the Secretary of Agriculture over and beyond that which was delegated to him year after year in appropriation bills. The Senator from Ohio can be assured of that.

Mr. President, I shall continue to refer to some of the items involved in this bill.

Mr. MCFARLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MCFARLAND. If these items are in the appropriation bill why is it now necessary to have a general authorization bill covering them?

Mr. RUSSELL. Of course, under the rules of both Houses a suspension of the rules is required in order to insert the items each year. The Senator will recall that last year the Senator from Ohio [Mr. Taft] criticized the Committee on Appropriations for bringing in legislative amendments. We are now attempting to cure the situation by suggesting an authorization by statute. This is to give the statutory authorization that we did not have last year, for which we were roundly condemned and criticized on the floor.

Mr. President, some of the other work that is more or less important to the people of this country that is involved in this bill are the funds for the control and prevention of the spread of the Japanese beetle, which has been a very destructive pest. That insect has caused a great damage in this country, but through the fine work that has been done by Dr. Annand and his associates in the Department of Agriculture splendid progress has been made in preventing the spread of the Japanese beetle. Other pests involved in the program are the sweetpotato weevil, the Mexican fruit-fly, the citrus canker, the gypsy and brown-tail moth, the Dutch elm disease, the phony peach disease. Barberry eradication is also included. There is nothing of greater importance to the wheat growers of this Nation than the work the Department of Agriculture has done in attempting to eliminate the barberry bush, which is the host plant for the rust that has cost the wheat farmers tens of millions of dollars. There is no specific statutory authority for this work, and the entire appropriation for next year will be in danger if this bill should be sent back to the committee.

There is likewise included the corn borer, which in times past has been very destructive to the corn farmers of the country, but there has never been any specific legislative authority to enable the Secretary to combat it.

There are a number of other items. I might refer to bee-breeding work that has been carried on by the Department of Agriculture. People may scoff at the work the Department has done in dealing with bees, but bee culture and its related activities represent more than a hundred-million-dollar-a-year business for the farmers of this country. There

has been no statutory authority for the bee-breeding work of the Department; and if this bill is sent back to the committee, it will endanger that work. If no appropriation can be made, those who are engaging in the work of bee culture will be exposed to great loss.

There are other items which are of tremendous importance. Senators will recall that last year on the floor we had to offer a legislative amendment to attempt to wipe out the inequalities which, due to a shift of the rural population, existed between the several States in the case of funds for experiment stations and for county agents in the Extension Service.

There is no legislative authority for that fund. We offered it from the floor, but the House has resisted an appropriation because there was no legislative authority. Here is an opportunity to get legislative authority for something which the States affected have contended is vitally important to them.

The State that will suffer the largest loss in the Extension Service is the State of Texas which would lose \$37,000. Second is the State of South Dakota, which would lose for the Extension Service \$27,493, without this legislative authorization. The State of Oklahoma is third; it would lose \$23,000. The State of North Dakota would lose \$17,783. The State of Nebraska would have taken from its extension fund \$22,872.

Mr. BUSHFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BUSHFIELD. I do not want to be placed in a wrong position by the statement of the distinguished Senator about the various items. I may be in favor of all of them when they are properly explained, as the Senator is now doing; but my experience in the Committee on Agriculture was that after a few brief moments in the committee the distinguished chairman of the committee said, "All in favor will signify by saying 'aye.'" I said, "Wait a moment. I should like to ask a few questions"; but the chairman said, "We have not time; all in favor will signify by saying 'aye.'" That is the kind of hearing we had in the committee.

Mr. SMITH. Mr. President, if the Senator will allow me to say so, I think he is mistaken in saying that I suggested that we did not have time.

Mr. BUSHFIELD. If I misquoted the Senator I apologize most humbly.

Mr. SMITH. I think I said that the questions asked were not pertinent.

Mr. BUSHFIELD. I have the highest esteem for the chairman of the Agricultural Committee. I regard him as my personal friend and he has been very kind to me since I have been in this body. I would not for the world say anything that might be considered a misquotation of what he said. That is the way I thought he expressed himself. At any rate, I wanted answers to some questions. There are many things in this bill, though not the things the distinguished Senator from Georgia is talking about, that need explanation, and I hope we will have an explanation, and

I want to ask him a number of questions before we get through. I do not desire to be placed in the position of appearing to be opposed to the eradication of plant diseases because I am for all such activities.

Mr. RUSSELL. I can assure the Senator from South Dakota that I am not undertaking to misrepresent his position, but I am undertaking to show the importance of this bill in preserving agricultural activities that are vital to farm life and that are now under way. That is all this bill does, with the exceptions that I shall advert to in a few minutes. I am sure the Senator approves many of these items, but all of them will be endangered if the Senate recommit the bill.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. AIKEN. As a member of the Agricultural Committee, I should like to say that I do not recall any request for hearings. I ask the chairman of the Agricultural Committee if he had any request for hearings on this bill which he refused?

Mr. SMITH. No.

Mr. AIKEN. Not even from the Senator from South Dakota?

Mr. SMITH. No; I had no request for hearings.

Mr. AIKEN. It seems to me the time to ask for hearings on this bill was 2 or 3 weeks ago rather than to wait until the bill comes on the floor of the Senate and then seek hearings. I hope the motion will not prevail, because, if it does, the effect will be to kill, among appropriations authorized by this bill, the controversial matter of the school-lunch program. If this bill is recommitted, I suppose it would have the effect of killing that program. If anybody wants to kill that program, I say let him come on the floor of the Senate and argue against it, and not try to kill it by the process of recommitting the bill.

Mr. SMITH. Mr. President, I want to make my position clear. There is no man on this floor who can accuse me of refusing to grant every legitimate request that comes before my committee. No one even intimated that a hearing on the bill was desired. As I recall, everybody appeared to be satisfied. I asked for a vote, and I got a pretty good response. I think the votes were all in the affirmative except one. I merely wish to state that I do not want—

Mr. BUSHFIELD. Mr. President—

The PRESIDING OFFICER (Mr. JACKSON in the chair). Does the Senator from Georgia yield further; and if so, to whom?

Mr. RUSSELL. I yield first to the Senator from South Dakota, and when this controversy is over I hope Senators will allow me to proceed with my explanation. I shall be very brief.

Mr. BUSHFIELD. I want to correct the distinguished chairman of the Agricultural Committee. One of his own party joined against reporting the bill favorably.

Mr. SMITH. I am sorry that the two combined. We have some curious combi-

nations, anyway. This matter was so universally accepted—

The PRESIDING OFFICER. Does the Senator from Georgia yield further?

Mr. SMITH. I yield the floor if we are going to have that kind of procedure.

Mr. RUSSELL. Mr. President, I will resume my discussion as to the effect of this proposed legislation on the Extension Service. There are a large number of States which, due to a shift of their farm population after the census of 1940, would suffer a considerable reduction in appropriations for the Extension Service unless some substantive legislation were enacted. This is the only substantive legislation of which I have any knowledge which would affect that situation.

Other States include the State of Kansas, a great agricultural State. If this proposed legislation should fail or be re-committed and the delay should cause the defeat of these appropriations through technical or other causes, the State of Kansas would suffer a reduction of \$23,078.07 in its extension fund. The State of Iowa would suffer a reduction of \$12,874.34. The State of Colorado would suffer a reduction of \$12,587.27.

These are funds which are tremendously important to the county agents and to the general scheme of extension service in the States.

Mr. BUSHFIELD. Will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BUSHFIELD. I am unfamiliar with some of the terms the Senator uses, but I cannot see why a reasonable delay to inquire into the purpose of these provisions would mean a failure of the appropriation.

Mr. RUSSELL. Of course not, if there were reasonable delay. I do not know what the Senator would mean by "reasonable." I do not think there is any necessity on earth for any hearings on the very item I am now discussing—the extension item. We have had the heads of the land-grant colleges before the Committee on Appropriations year after year, and they have testified at great length as to the desirability of these appropriations. Yea, they have stated it would almost break down the county-agent work in their several States if they were not allowed. Yet there has never been enacted any general substantive law. We have gone along from year to year. Last year the House eliminated the item on the floor of the House through a point of order, and it was finally inserted in the Senate only after notice had been given of motion to suspend the rules, and then it took all the power which could be exerted to see that it was finally left in the bill.

This year the House Committee on Appropriations got a rule from the Rules Committee which limited the items in appropriations to the items contained in the bill that is now before the Senate, and if this bill were recommitted I say that in my judgment it would at least endanger some of the items, because we have no way of knowing what other legislation will intervene, or when we would be able to get the bill upon the floor again.

Mr. BYRD. Mr. President, on page 25 of the bill, section 703, appears this language:

The Department of Agriculture is authorized to erect, alter, and repair such buildings and other public improvements as may be necessary to carry out its authorized work.

I was informed that the Department of Agriculture had in contemplation a very elaborate plan to erect public buildings all over the country, in each county seat. Can the Senator tell me whether or not the purpose of the pending authorization is to permit that to be done?

Mr. RUSSELL. I had not heard any such thing. The purpose of this section in the bill is to place upon the Congress, in connection with each appropriation bill, the responsibility of determining whether or not buildings should be constructed. It is not only an authorization in the nature of a limitation on the powers of the Secretary and the Department of Agriculture, but it leaves in the Congress, in connection with each appropriation bill, the power to determine the amount which shall be appropriated. The Secretary cannot spend any part of an appropriation for permanent buildings unless it is specifically outlined in an appropriation bill, and earmarked for that purpose.

Mr. BYRD. Is the Senator aware of any such proposal on the part of the Department of Agriculture?

Mr. RUSSELL. I had not heard of it, and I am frank to say that I do not believe any such idea exists. I cannot credit the rumor which has reached the Senator.

Mr. BYRD. It was published in the newspapers, and I was informed that such a plan was under advisement, to erect in all the county seats public buildings to house the various activities.

Mr. RUSSELL. Oh, no; the Secretary of Agriculture could not construct a building of that nature without specific appropriation by Congress, and I might say that, for my part, I should at this time oppose any such idea. I do not think funds should be appropriated for that purpose now. Under this section no funds can be expended on public buildings unless there is specific authorization in an appropriation bill. So that every Senator will have a chance to vote yea or nay as to any public building proposed to be constructed by the Department of Agriculture. In the agricultural appropriation bill we limit the cost of any structure which may be erected by the Department of Agriculture. There is no power anywhere to expend any of its other appropriations on any such building program.

Mr. President, when the bill reached the Senate committee three amendments were adopted.

Mr. SMITH. Mr. President, I call the attention of the Senator from Georgia to the proviso in the provision to which the Senator from Virginia has adverted, which should be read. It is as follows:

Provided, That no building or improvement shall be erected or altered under this authority unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein.

Mr. RUSSELL. I am glad the Senator read the language in the bill. It bears out what I have stated, that no building could be constructed by the Department of Agriculture unless a specific appropriation were made for that purpose in the agricultural appropriation bill. I do not know of any other department which has a limitation as rigid and binding as that which we are imposing upon the Department of Agriculture in the pending measure.

I wish to call the attention of Senators to some changes proposed in the basic law affecting the Department of Agriculture. The only ones of any consequence are those relating to the Rural Electrification Administration. The Rural Electrification Administration at the present time is authorized to borrow funds at a rate of interest not greater than the average rate of interest that has applied to loans made within the last year on 10-year obligations. That caused the Rural Electrification Administration to have an interest rate running from 2½ percent to around 3 percent, and the flat charge to the R. E. A. cooperatives was 3 percent. The pending bill reduces the interest rate on R. E. A. loans made by the Reconstruction Finance Corporation to 1¾ percent, and reduces the interest rate on loans made by the R. E. A. to local cooperatives to 2 percent. Certainly these cooperatives, in view of the splendid record of repayment they have made, are entitled to this better rate of interest.

I wish to point out to Senators that the Home Owners' Loan Corporation was specifically authorized by law to borrow funds from the Treasury at 1 percent. The Reconstruction Finance Corporation, under its basic law, borrows funds from the Treasury at an interest rate of 1 percent, and the provision before us allows the Reconstruction Finance Corporation three-quarters of 1 percent profit over and above the rate they pay the Treasury for the funds.

Mr. BUSHFIELD. Will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BUSHFIELD. Will the Senator be kind enough to explain the provision on pages 17 and 18, where alteration of the law is proposed? The wording is as follows:

The Reconstruction Finance Corporation is hereby authorized and directed to make loans to the Administrator, upon the request and approval of the Secretary of Agriculture, in such amounts in the aggregate for each fiscal year commencing with the fiscal year ending June 30, 1945, as the Congress may from time to time determine to be necessary.

Does not that have the effect of removing any limitations on the amount of money the Administration can spend, except the limitations imposed by the Committee on Appropriations?

Mr. RUSSELL. Yes; it does. In other words, it eliminates any limitation other than that Congress may put in the appropriation bill for each year.

Mr. BUSHFIELD. Will the Senator please tell us why the committee saw fit to remove the limitation?

Mr. RUSSELL. I will tell the Senator what I conceive to be good reasons for the action.

We all know that at the present time the Rural Electrification Administration is building up a huge backlog of requests for service to the farm homes of this country. It is impossible to deal with them during the war period, because of the fact that the wires and other things which go into the construction of a power line are critical materials which the armed forces need. As I have said, the Rural Electrification Administration has a backlog of requests for good, repayable loans, which I think amount to something over \$100,000,000 at the present time, and some of the cooperatives are not filing their requests, because they know it would not avail them anything, with the tight condition as to copper and other electrical equipment. So, in order to enable us, when the war shall end, to give impetus to the rural-electrification program, and give employment to our people, this limitation was removed, and the matter was left to the judgment of Congress.

All the wisdom and all the vision of the ages will not perish when this Congress shall be adjourned sine die. Other Congresses will be just as interested in seeing that proper limitations are imposed on the activities of agencies and that the business of the Government is conducted properly, as are the Members of this Congress, and in view of the very unusual situation which exists in the need for rural electrification, these changes were made.

Mr. President, I call attention to the fact that the amortization period of Rural Electrification Administration loans is changed from 25 years, as it is in the existing law, to 35 years, in the bill before us.

That is one of the major changes I desire to call to the attention of the Senate. It is not because of the fact that these rural electric cooperatives that have borrowed these funds need the 35 years to repay present loans. Nearly 1,000 cooperatives have anticipated their repayments, and only a few of them are in arrears on their payments. Most of them have already paid a great many obligations which have not matured. Some have purchased War bonds. The proposed extension from 25 to 35 years is made because of the fact that under existing law there is a limit on the number of farms in each mile that can be served. The more thickly settled areas have largely been reached with electricity. If those who live in the more remote sections are to be reached, it will require a little more time to amortize than at present.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. WHERRY. Does the repeal provided in section 504 also raise the limitation on the amount, which is now \$40,000,000?

Mr. RUSSELL. It does; yes.

Mr. WHERRY. The same thing is done in section 504 as is done in the other section to which reference was made?

Mr. RUSSELL. Yes; that is correct. The limitation is changed in two places in the bill.

Mr. WHERRY. So that whatever is necessary to be done under the authorization will be done by appropriation?

Mr. RUSSELL. Yes, whatever Congress is convinced is necessary.

Mr. WHERRY. Of course, appropriations must be made from year to year.

Mr. RUSSELL. That is correct.

Mr. WHERRY. One more question. I should like to ask about section 303. Has the Senator an explanation to make of the amendment on page 13, section 303?

Mr. RUSSELL. If the Senator from Nebraska will indulge me I shall reach that as soon as I have cleaned up the matter of rural electrification.

Mr. WHERRY. I thank the Senator.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MAYBANK. In the judgment of the Senator will a study of the record show that 35 years will take care of most of the extreme rural lines that cannot get in under the 25-year program?

Mr. RUSSELL. It will not take care of all cases, but I think it provides a pretty fair compromise. The Association of Rural Electrification Cooperatives wanted 50 years. Some of the departments thought that 25 years was long enough. I think the 35-year period will enable them to reach nearly all the farm homes in this country that they wish to serve.

Mr. MAYBANK. I should also like to ask the Senator if in his judgment he believes that in the future we may be able to reach even more distant rural localities?

Mr. RUSSELL. I think that the change will have that effect. Of course this is a tremendous improvement over anything we have had up until now, and it should be a great benefit to the rural users of electric current.

Mr. MAYBANK. I want to thank the Senator from Georgia particularly in behalf of our rural population.

Mr. RUSSELL. I know the deep interest the Senator from South Carolina has particularly in the question of rural electrification, and which he had even before he came to the Senate.

Mr. President, I think that briefly covers the changes which have been made in the existing law which relate to the Rural Electrification Administration.

There are two amendments which were suggested by the Senate Committee on Agriculture. One of them is section 303, to which the Senator from Nebraska [Mr. WHERRY] has just referred, and the other is what is commonly known as the school lunch program. Senators will remember that these items have been the subject of great discussion on the floor of the Senate, as well as in the committees, and I certainly do not think that the opinion of any Senator with respect to either one of these items would have been altered by any hearings, however long extended, that the Committee on Agriculture and Forestry may have carried on.

Section 303, which relates to what is commonly known as the Farm Security Administration, gives the Farm Security Administration the power to proceed under all the limitations which were added by the Congress last year to the

agricultural appropriation bill. Senators will recall that last year the Congress placed a limitation of \$2,500 on the amount that any borrower could borrow from the Farm Security Administration. We provided for the liquidation of all the collective farming projects, and they are now in process of liquidation. But Congress prohibited the making of loans to cooperatives, and otherwise sought to eliminate some of the activities of the Farm Security Administration which had subjected it to considerable criticism in the past. I think I should say here that the Farm Security Administration last year made a magnificent record. It collected \$128,720,000, whereas it loaned only \$97,000,000.

Mr. President, that bears out the contention that those of us who have supported this program have made here from year to year, that these people, though small farmers, would pay as quickly as anyone else when they were able to pay. The Farm Security Administration is collecting about \$1.30 for every dollar that matures. The Administration is collecting many old loans, in some cases loans which practically have been written off the books. The F. S. A. in my judgment is justifying the action of the Senate last year when it took so strong a stand that the Farm Security Administration should carry on in the fiscal year 1944.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. AIKEN. Does not the Senator understand that a better record is being made this year than was made last year? As I understand, in my State loans are being repaid at the rate of \$2 for every \$1 in new loans made. I think that holds more or less true for the whole country.

Mr. RUSSELL. The record is improving from day to day. During the hearings which were held before the Senate Appropriations Committee when dealing with agricultural appropriations week before last it was stated by the Administrator, Mr. Hancock, who made a very profound impression upon the committee, I might say, that as compared to the \$1.32 of collections to which I have just referred for every dollar that was loaned, that this year the collections are running as high as \$1.70 for every dollar that has been loaned, showing that these poor people are doing their very best, when they have the money, to meet their obligations.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. WHERRY. The last time we discussed this matter on the floor of the Senate the Senator from Georgia was reminded of the fact that there were several Government agencies loaning money on the same basis, nonrecourse loans, such as the Regional Agricultural Credit Corporation, the Farm Security Administration, Emergency Crop and Feed Loans Section, F. C. A., and others. I think the report of the Joint Committee on Reduction of Nonessential Expenditures in Government shows that there are 20 Government agencies lend-

ing money to the farmers. It was my understanding from the Senator from Georgia that because of the manpower situation and the overhead, some progress was being made to streamline these agencies into one, and that the next time this matter came up the chances were that something along that line would be accomplished. Can the Senator tell me and the other Senators present whether anything like that has been done?

Mr. RUSSELL. I think I recall the colloquy which took place between the Senator from Nebraska and the Senator from Georgia last year. I told the Senator that the House Committee on Agriculture had appointed a subcommittee to go into this question. That subcommittee has gone into it rather exhaustively, and out of the hearings it has held has come a bill which has been introduced, the number of which I do not remember, but which is known as the Cooley bill in the House of Representatives. It is not as comprehensive as the Senator would indicate, but it does deal with some five or six of these lending agencies.

Mr. WHERRY. Are they the nonrecourse lending agencies?

Mr. RUSSELL. I know of but one agency which makes nonrecourse loans above the value of crops planted. That agency is the regional agricultural credit corporation.

Mr. WHERRY. Does the Farm Security Administration make nonrecourse loans?

Mr. RUSSELL. No. The Farm Security Administration makes full faith credit loans to each borrower.

Mr. WHERRY. What is the amount of the outstanding loans of F. S. A. today? Has the amount in total dollar volume of loans decreased or increased?

Mr. RUSSELL. As I have heretofore pointed out on this floor, a great many of these obligations were not made by the Farm Security Administration. Some of them came down from the old State rehabilitation agencies, and some of them came to the Farm Security Administration from the Rural Resettlement Administration, as it was called. The total amount of the principal of all these agencies, not just the Farm Security Administration—

Mr. WHERRY. Mr. President, let me inquire whether the Senator has the figures for the Farm Security Administration alone?

Mr. RUSSELL. Yes; I do. But I desire to present a full picture. The total amount of the principal of all these agencies, not merely the Farm Security Administration, is approximately \$511,420,000. With reference to the Farm Security Administration, I do not have before me the table which I requested, and which was presented by the Administrator. It is my recollection that the figure for rural rehabilitation loans outstanding is \$370,000,000.

Mr. WHERRY. Mr. President, I wish to say to the Senator that I checked the figures day before yesterday; and if I got them correctly, approximately \$1,825,000,000 has been loaned for all agricultural purposes. Of that one billion eight-hundred-and-some-odd-mil-

lion dollars, approximately \$980,000,000 has been loaned by the small private banks, namely, the country banks and other private banks throughout the country. That leaves nearly 50 percent that is being loaned today through the governmental lending agencies.

It is my feeling and my thought that with the banks so full of money, and with no place to make a loan, it is time for Congress to restrict rather than to broaden any governmental lending agency, especially in view of the fact that it seems that the country is now overproduced. We cannot obtain decent prices for our livestock, and there is a question about obtaining sufficient feed. We have representatives of governmental lending agencies walking over each other's feet, trying to make loans in competition with each other, at a time when the private banks of the country cannot find places to make loans with their money.

I do not mean we should not have the governmental agencies ready at all times to make loans; but I say that if my figures are correct—and I think they are—the governmental lending agencies today are lending nearly as much money, dollar for dollar, as are the private banks throughout the country.

If that be true, in view of the manpower shortage which exists in the United States today, it is time the Congress streamlined these agencies, and had only one agency, rather than half a dozen or more Government agencies fighting each other in their attempts to make loans to the farmers. Furthermore, it was my absolute understanding before the committee which studied agricultural lending agencies that when the need no longer existed, such an agency would fold up. I should like to know what, if anything, has been done with the Regional Agricultural Credit Corporation at this time.

Mr. RUSSELL. That matter is not dealt with in this bill.

Mr. WHERRY. Has some study been made?

Mr. RUSSELL. Yes; but that matter is not gone into in this bill.

Mr. WHERRY. However, I understand that by the pending bill we are making the Farm Security Administration a permanent institution.

Mr. RUSSELL. That would be the effect if the committee amendment be adopted.

Mr. WHERRY. Prior to this time the Farm Security Administration has been only a temporary agency, and has come before Congress each year for an appropriation. But under this authorization we would be setting up a permanent agency of the Government. I appreciate that no one is better informed about the matter than is the Senator from Georgia [Mr. RUSSELL], who knows the agricultural set-up from beginning to end.

Mr. RUSSELL. If I knew the amount loaned by the R. A. C. C. this year, I would state it; but I do not have the exact information before me at this time. I know that agency has made some loans, but I do not know their exact amount.

Mr. WHERRY. It seems to me that if the suggestion made by the Senator from Georgia himself a few months ago were put into effect, namely, to streamline five or six, if not all, of the Government agencies lending money to farmers, and from them to form one agency which would be used to make loans to farmers—

Mr. RUSSELL. Mr. President, I did not give the Senator from Nebraska any assurance last year that these lending agencies would be consolidated. I told the Senator a study was being made to that end in the House of Representatives. Such a study was made and, I understand, was pursued very diligently in the House of Representatives, and a bill drawn up on the basis of the study has been introduced.

Of course, I do not entirely agree with the Senator's philosophy on this matter. I think there is a very definite need to have credit available at low rates to all the farmers of the country.

Mr. WHERRY. Mr. President, if the Senator will further yield to me, on that point let me say that I did not say we should eliminate all governmental agencies lending money to farmers. I said we should consolidate them. My theory is that the Government should make loans to farmers only when the private banks fail to function in that respect. I cannot see that any relief from lending to farmers by governmental agencies is being obtained today despite the fact that such lending by governmental agencies is unnecessary at this time. It is unnecessary today because interest rates are so favorable, the banks are bursting with money, and the private banks are making only approximately half the agricultural loans. The necessity for a streamlining and consolidation of the governmental lending agencies is all the more necessary in view of the pressing manpower shortage in this country.

Mr. RUSSELL. Mr. President, let me say to the Senator that we are undertaking to safeguard the interests of the private banks in connection with this legislation. Last year, after all the agitation, the following language was included in the law; and if the bill passed this year, as recommended by the committee, that language will still be in the law:

For additional funds for the purpose of making rural rehabilitation loans to needy individual farmers, who are unable to obtain credit elsewhere at comparable rates for the area where such loan is proposed to be made.

In other words, the Farm Security Administration cannot make a loan to a farmer if that farmer can obtain from any other source the needed funds at comparable rates within the area in which he lives.

Mr. WHERRY. Mr. President, will the Senator further yield?

Mr. RUSSELL. I yield.

Mr. WHERRY. I have in my file letters stating that representatives of these governmental lending agencies are running around the country, competing with each other for loans. Also, the fact that today the Federal agencies lending money to agricultural borrowers have made such loans to farmers on

about a dollar-for-dollar basis with loans made to the farmers by private banks indicates the length to which these governmental agencies are going. They are asking for these loans; they are soliciting for them. I think all that is unnecessary. On the basis on which the Senator has put the case, certainly there is no justification for having the governmental lending agencies today loan money dollar for dollar with the private banks, which cannot loan anywhere near all the money they have available.

Mr. RUSSELL. Mr. President, of course the Senator from Nebraska is lumping the amounts for all the governmental lending agencies, including the Federal land bank. The Farm Security Administration had only \$57,000,000 last year.

Mr. WHERRY. The ones I am talking about are the Regional Agricultural Credit Corporation loans in the amount of \$54,000,000; livestock loan companies, discounting at Federal intermediate credit banks loans in the amount of \$41,000,000; and Farm Security Administration loans of approximately \$370,000,000—

Mr. RUSSELL. Oh, no.

Mr. WHERRY. That is correct; \$370,000,000 is the approximate amount of the outstanding loans made by the Farm Security Administration.

Mr. RUSSELL. Of course, Mr. President, the Senator is obliged to be in error. Last year the bill allowed the Farm Security Administration only \$67,000,000 for loans.

Mr. WHERRY. How many are in existence, let me ask?

Mr. RUSSELL. Or, approximately \$370,000,000 are in existence, but that represents several years' business.

Mr. WHERRY. Approximately \$370,000,000 of such loans are outstanding today.

Mr. RUSSELL. That is correct.

Mr. WHERRY. Then such loans were made this year.

Mr. RUSSELL. That amount was not loaned this year. The Senator is wholly in error on that point. The Farm Security Administration could loan only \$67,000,000 during the last year.

Mr. WHERRY. A loan which was made a few years ago, and which was renewed this year, is a loan this year, so far as that is concerned.

Mr. RUSSELL. Not all the loans were renewed this year.

Mr. WHERRY. The figures I gave do not include the amounts of loans made by the Federal land bank. The total amount of money loaned by governmental agricultural lending agencies runs into the billions of dollars. But I am using the figures for the five or six Federal lending agencies I have referred to, that are lending money only to farmers, for agricultural purposes. The figures I have cited do not include the amounts of real estate loans made by the Federal land bank and Farm Mortgage Corporation.

Mr. President, if an attempt were made to justify the Farm Security Administration on the basis of need, it is my contention that it could not be so justified today.

Mr. RUSSELL. Mr. President, I desire to reiterate that the Senator from

Nebraska is obliged to be in error with respect to the figures he has cited. If he contends that the Farm Security Administration has made \$370,000,000 worth of loans this year he is obliged to be in error, because the total amount of money the Congress allowed the Farm Security Administration this year for loans was \$67,000,000. The Senator is talking about all the accumulation of outstanding loans made over a period of 6 or 8 years.

Mr. WHERRY. I am talking about the same loans that the private banks of the country are anxious to make, but have not been able to make because they have had to compete with the governmental lending agencies. Regardless of whether the loans were made yesterday or the day before, it is true that that much money is being loaned to the farmers.

Mr. President, I have sent for the detailed figures relative to the amounts of agricultural loans, and I now have them before me. They are as follows:

On June 30, 1943, the amount of agricultural loans outstanding totaled \$1,874,000,000; and Government agencies accounted for almost one-half. In detail, this staggering total is made up as follows:

	Millions
Commercial banks	\$980
Production credit associations	255
Livestock loan companies, etc., discounting at Federal intermediate credit banks	41
Regional Agricultural Credit Corporation	54
Farm Security Administration	379
Emergency Crop and Feed Loan Section, F. C. A.	165
Total	1,874

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. TUNNELL. Is there any precedent, rule, or custom, which requires that testimony must be taken with regard to every item in a bill before the bill can be reported to the Senate?

Mr. RUSSELL. I do not know of any such rule; and I know of no item with which Senators ought to be more familiar than the one we are now discussing. It has occupied the time of the Senate for 2 or 3 days each year during the past 3 or 4 years.

Mr. TUNNELL. I understand the ground for asking that the bill be recommended to be that there are some items in the bill on which no testimony has been taken. I was wondering if there was any precedent or authority behind that suggestion.

Mr. RUSSELL. I never heard of it. I know that other committees often report bills on which no hearings have been held.

Mr. TUNNELL. When there are hundreds of items in a bill, if testimony must be taken as to each item, it involves endless expense, does it not?

Mr. RUSSELL. Undoubtedly the cost of printing the record alone would be tremendous.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. LA FOLLETTE. In response to some of the remarks made by the Senator from Nebraska [Mr. WHEERRY], let me say that so far as the Farm Security Administration is concerned, it has not been in the position of needing to solicit any clients. As a matter of fact, under the limitation fixed by the Senate in the last appropriation bill, every Farm Security Administration agency of which I know anything—and I know about all of them in the State of Wisconsin—has a backlog of applicants for rehabilitation loans, and such applicants cannot be accommodated because the Congress has not provided a sufficient sum of money to accommodate all those who desire to obtain this type of loan.

In the second place, it is the policy, in conformity with the statute enacted by the Congress, that each client who comes to the Farm Security Administration seeking a rehabilitation loan must demonstrate that he is unable to obtain a loan under comparable terms and conditions from a private lending organization or corporation within his community.

In the State of Wisconsin many of these loans, which have reached the point where the banks regard them as suitable loans, are being refinanced by the banks after the borrower has reached the position where the bank considers him a good risk. That is true in Wisconsin, and I believe it is true throughout the country. In other words, the Farm Security Administration is making these loans only when the applicants cannot obtain them under similar terms from other sources. Then, when a sufficient amount of collateral has been accumulated so that the loans are desired by the banks, it is the affirmative and aggressive policy of the Farm Security Administration to get the banks in the various localities to refinance the loans, and thus release further funds which can be loaned to applicants who are waiting to be accommodated.

Mr. RUSSELL. I believe the Senator has correctly stated the policy which prevails in all States of which I have knowledge.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. TAFT. Again I raise the question of the rather curious method by which we are passing an authorization bill. The language of the bill is:

SEC. 303. That all purposes and objects of expenditure which are provided for under the item "Loans, grants, and rural rehabilitation," in the Department of Agriculture Appropriation Act, 1944, are hereby authorized for each fiscal year, beginning with the fiscal year ending June 30, 1945, in the manner, in the detail, and under the conditions, authorities, restrictions, and limitations as are contained in the item referred to, and there are hereby authorized to be appropriated and to be otherwise made available such sums as Congress may deem necessary for the purposes of this section.

In other words, we are enacting a statute by incorporating, by reference, a lengthy provision in the Agricultural Appropriation Act of 1944, as a permanent authorization act. I think that is

the poorest kind of draftsmanship for legislation.

I ask that there be printed in the RECORD at this point as a part of my remarks, from the Agricultural Appropriation Act of 1944, the language under the heading "Loans, grants and rural rehabilitation," so that we may know what law it is we are enacting at this point.

Mr. RUSSELL. I am glad the Senator offered that language for printing in the RECORD. I had intended to offer it.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

LOANS, GRANTS, AND RURAL REHABILITATION

To enable the Secretary through the War Food Administration to continue to provide assistance through rural rehabilitation and grants to needy farmers in the United States, its Territories, and possessions, including (1) farm-debt-adjustment service, and making and servicing of loans and grants under this and prior laws; (2) loans to needy individual farmers; (3) grants; and (4) liquidation as expeditiously as possible of Federal rural-rehabilitation projects under the supervision of the War Food Administration, \$20,000,000, which sum shall be also available for necessary administrative expenses incident to the foregoing, including personal services in the District of Columbia and elsewhere; compensation of experts without regard to the Classification Act of 1923, as amended; purchase of lawbooks, books of reference, periodicals, and newspapers; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles; and printing and binding: *Provided*, That the War Food Administrator shall transmit to the Congress semiannually a progress report with respect to the liquidation of Federal rural rehabilitation projects, under his supervision, showing by name and by States all dispositions of such projects, or parts thereof, together with the amounts of Federal funds expended in the process of liquidation, and any losses incurred in the use of such funds: *Provided further*, That during the first 4 months of the fiscal year ending June 30, 1944, the Administrator of the War Food Administration may, in his discretion, authorize expenditures from this appropriation at a rate in excess of one-twelfth of the total appropriation during each of such months.

In making any grant payments under this act, the Secretary is authorized to require with respect to such payments the performance of work on useful public projects, Federal and non-Federal, including work on private or public land in furtherance of the conservation of natural resources, and the provisions of the act of February 15, 1934 (5 U. S. C. 793), as amended, relating to disability or death compensation, and benefits shall apply to those persons performing such work: *Provided*, That this section shall not apply to any case coming within the purview of the workmen's compensation law of any State, Territory, or possession, or in which the claimant has received or is entitled to receive similar benefits for injury or death.

For additional funds for the purpose of making rural rehabilitation loans to needy individual farmers, who are unable to obtain credit elsewhere at comparable rates for the area where such loan is proposed to be made, the Reconstruction Finance Corporation is authorized and directed to make advances to the Secretary upon his request in an aggregate amount of not to exceed \$60,000,000. Such advances shall be made (1) with interest at the rate of 3 percent per annum payable semiannually; (2) upon the security of obligations acceptable to the Corporation heretofore or hereafter acquired by the Secretary pursuant to law; (3) in amounts which

shall not exceed 75 percent of the then unpaid principal amount of the obligations securing such advances; and (4) upon such other terms and conditions, and with such maturities, as the Corporation may determine. The Secretary shall pay to the Corporation, currently as received by him, all moneys collected as payments of principal and interest on the loans made from the amounts so advanced or collected upon any obligations held by the Corporation as security for such advances, until such amounts are fully repaid. The amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized and empowered to issue and to have outstanding at any one time under the provisions of law in force on the date this act takes effect is hereby increased by an amount sufficient to carry out the provisions of this paragraph.

None of the moneys appropriated or otherwise authorized under this caption ("Loans, grants, and rural rehabilitation") shall be used for (1) the purchase or leasing of land or for the carrying on of any land-purchase or land-leasing program; (2) the carrying on of any operations in collective farming, or cooperative farming, or the organization, promotion, or management of homestead associations, land-leasing associations, land-purchasing associations, or cooperative land purchasing for colonies of rehabilitants or tenant purchasers, except for the liquidation as expeditiously as possible of any such projects heretofore initiated; or (3) the making of loans to any individual farmer in excess of \$2,500; or (4) the making of loans to any cooperative association; or (5) the making of loans for the payment of dues to or the purchase of any share or stock interest in any cooperative association (except for medical, dental, or hospital services) or for any expenditure other than that deemed necessary, in the discretion of the Administrator, for the production of agricultural commodities.

The Secretary of Agriculture may expend funds administered by him as trustee under the various transfer agreements with the several State rural rehabilitation corporations only for purposes for which funds made available under this caption may be expended, and the limitations applicable to such funds shall also be applicable to the expenditure of such trust funds by the Secretary of Agriculture.

The appropriation and authorizations herein made under the heading "Loans, grants, and rural rehabilitation," shall constitute the total amount to be available for obligation under this heading during the fiscal year 1944 and shall not be supplemented by funds from any source.

No part of the appropriation herein made under the heading "Loans, grants, and rural rehabilitation" shall be available to pay the compensation of any person appointed in accordance with the civil-service laws.

Mr. TAFT. That authority is rather broad. It would authorize the Secretary, through the War Food Administration, to continue to provide assistance to the farmers. Let me ask the Senator how the Farm Security Administration comes under the War Food Administration. Is this provision being administered entirely by the War Food Administrator?

Mr. RUSSELL. In the reorganization of the Department of Agriculture, when the War Food Administration was created, the Farm Security Administration, being one of the finest fields of production for the crops which were needed in the war effort, was put directly under the supervision of the War Food Administrator.

Mr. TAFT. At best, it seems to me to be a temporary provision. I have no great objection to authorizing the continuation of this activity for another year, but I do not think there should be a permanent authorization, referring to another act dealing with the War Food Administration, which is purely a war measure, and which will expire at the end of the war. Would it not be feasible to limit this activity to 1 year's authorization, as the child-feeding program is limited, so that at the end of a year we may make some general provision?

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BANKHEAD. Knowing of the interest of the Senator from Ohio in this subject, I have conferred with the Senator from Georgia [Mr. RUSSELL]. There was a contest in the committee as to whether this authorization should be made permanent or limited to 1 year. Those who wished to make it permanent were in the majority, and it was so reported. However, in view of the difference of opinion on the subject, I have conferred with the Senator from Georgia. I understand that he has no objection to my offering an amendment if I desire to do so. So I have made an agreement, so far as I can control it—of course, I have no power to control it—to offer an amendment limiting this authorization to 2 years, instead of making it permanent, with the understanding that there will be no further opposition to this program for this year.

Mr. TAFT. Mr. President, my feeling is that there ought to be a complete study of all the rural credit agencies. There ought to be a single bill. I understand that there is such a bill in the House. I do not know what it is. I have not seen it. However, it seems to me that this particular authorization, hanging on to the appropriation bill for 1944, ought to be limited in time. I think it ought to be limited for 1 year. I do not greatly object to 2 years.

Mr. RUSSELL. Mr. President, I have been heart and soul in support of some of the activities of the Farm Security Administration. However, the Senator from Alabama has been a great leader and champion in this fight. He is one of the coauthors of the Bankhead-Jones Act, which provided for the rehabilitation loans. In view of the studies being made in the House, and the fact that proposed legislation is pending there to consolidate these lending agencies, I shall interpose no objection if the Senator wishes to modify his amendment.

Mr. BANKHEAD. I assume the Senator understands that this is a temporary arrangement, and does not in any way change my attitude as to the very great value of this program.

Mr. RUSSELL. I am sure the Senator from Alabama is familiar with it.

Mr. BANKHEAD. When the subject is approached by way of permanent legislation, I shall wish to make the program permanent.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. TAFT. The Senator referred to the fact that loans to needy individual farmers are made only when they are unable to obtain credit elsewhere at comparable rates in the areas where such loans are proposed to be made. It seems to me clear that in the authorization bill there is no such limit, because in the first part of the direct appropriation, having nothing to do with the R. F. C., the authorization is:

(1) Farm debt adjustment service, and making and servicing of loans and grants under this and prior laws; (2) loans to needy individual farmers.

There is no other restriction whatsoever, and so far as the authorization is concerned, it is a wide-open authorization to make any loan to any needy individual farmer.

Mr. RUSSELL. The Senator is reading from the language which applies to the administrative appropriation. That is for the machinery of administration. If the Senator will go down to where funds are actually provided for loans, he will see that the language to which I have referred is in the bill, and is applicable to all the loans which are made. I shall read from the current act. The Senator is reading from the administrative appropriation item. If he will go down to the third paragraph, he will find this provision, which relates to all the loans:

For additional funds for the purpose of making rural rehabilitation loans to needy individual farmers, who are unable to obtain credit elsewhere at comparable rates for the area where such loan is proposed to be made, the Reconstruction Finance Corporation is authorized and directed to make advances to the Secretary upon his request in an aggregate amount of not to exceed \$60,000,000.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. TAFT. That applies only to money obtained from the R. F. C. That is one difficulty in attempting to incorporate this language by reference. But it is clear to me that if this is an authorization bill the first four purposes are broadly authorized in general terms, and if Congress appropriates money for them the Secretary may proceed under the first section without relying on the R. F. C. at all.

Mr. RUSSELL. If the Senator will read the language in the first paragraph again he will see that it refers to the administrative part of the program. I read:

To enable the Secretary through the War Food Administration to continue to provide assistance through rural rehabilitation and grants.

That has to do with the administrative end of it, and the work which is being done.

Mr. TAFT. If the Senator will yield, I should like to read it.

Mr. RUSSELL. I yield.

Mr. TAFT. The language reads as follows:

To enable the Secretary through the War Food Administration to continue to provide assistance through rural rehabilitation and grants to needy farmers in the United States, its Territories, and possessions, including—

(1), (2), (3), and (4), \$20,000,000—

which sum shall be also available for necessary administrative expenses incident to the foregoing.

Mr. RUSSELL. Yes.

Mr. TAFT. So \$20,000,000 is available also for each of (1), (2), (3), and (4) directives. When that is incorporated, as here, in an authorization bill it is perfectly clear that the authorization covers the making of loans to needy farmers without reference to the R. F. C. in unlimited amount and without the restrictions imposed on R. F. C. loans.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. AIKEN. I have been much interested in the argument of the Senator from Ohio. I think he has made a very good argument in favor of his contention.

Mr. TAFT. I do not mind the irregularity for a year or two, but I do not think we should have permanently on the books language which is ambiguous.

Mr. AIKEN. Would the Senator advocate going further and supporting the limitation on R. F. C. loans to needy industries for a certain time?

Mr. TAFT. I am in favor of stopping all R. F. C. loans to industries not later than a year and a half or 2 years following the end of the war. I think the Government is in the loaning business when it should not be. While the Government cannot get out of it at the present moment, and may not be able to get out of it when it is confronted with great conversion problems of the post-war period, I believe that within 2 years after the end of the war we should take the Government out of the business of loaning money.

Mr. AIKEN. Until that is done it seems to me that we should give exactly the same consideration to a man who borrows \$150 to fix the roof on his barn as we give to the man who borrows \$250,000 in order to keep his factory in operation.

Mr. TAFT. Mr. President, we are asked to pass an authorization bill adding a number of ambiguous provisions to the appropriation bill of 1944. It seems that they should be drawn in the form of an appropriation for 1 year, and not for a long-term program of many years. I am satisfied with the suggestion of the Senator from Alabama [Mr. BANKHEAD]. I think before the expiration date, which is 2 years, we should be able to rewrite a fundamentally correct farm-credit bill.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. McFARLAND. I should like to ask the Senator from Georgia if this authorization bill does not merely say that the subjects which are covered in the bill are proper subjects for appropriation?

Mr. RUSSELL. The Senator is correct.

Mr. McFARLAND. Does not the Committee on Appropriations expect to go into these various items in detail and determine whether each one of them is

necessary, before appropriations are made?

Mr. RUSSELL. Mr. President, I should not undertake to estimate the number of hours which have been spent by the subcommittee on agricultural appropriations in holding hearings on this item, and conferring and working on it in an attempt to see that every possible safeguard is placed about it.

Mr. McFARLAND. In connection with the various agencies which have been mentioned, in which the making of public loans has taken place, has there been any evidence that private capital has been willing to replace all those loans?

Mr. RUSSELL. Not all of them, I am sure.

Mr. McFARLAND. If there were evidence that private capital was willing to come into those fields and make loans at the rate of interest charged by the Government, would appropriations in connection with those items be asked for?

Mr. RUSSELL. Oh, no. If private capital were willing to make the loans, this specific Government agency, the F. S. A., could not make them, because the law provides that loans will be made only to those who cannot obtain funds in the areas in which they live.

Mr. McFARLAND. I should like to ask the Senator a similar question with regard to page 15 of the bill on which appears language concerning the lunch program.

Mr. RUSSELL. Mr. President, if the Senator will bear with me, I shall come to that point in a moment.

I wish to say with regard to the Farm Security Administration, that, whether it shall be continued for 1 year, or 2 years, we certainly should continue it, because the Government has a very large stake in the program. We have outstanding about \$400,000,000 in these loans, and we are collecting them at the rate of \$128,000,000 a year.

If we do not have authorization somewhere for the Farm Security Administration, we do not even have any provision to attempt to service those loans and collect them. Certainly some reference should be made to the functions of the Farm Security Administration in this bill so that we can at least make an appropriation in order to insure that what the taxpayers and the Treasury has invested in these loans is fully protected.

In addition, approximately 500,000 farm families are today relying on these loans. An abandonment of the program would cause great chaos and confusion on 500,000 farms of this country and would bring about great loss in the production of food and fiber which are needed in the war effort.

Mr. BUSHFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BUSHFIELD. In the State of South Dakota the Farm Security set-up has in the past engaged in a sort of socialized medicine program. Does the Senator know anything about it?

Mr. RUSSELL. I have read something about the medical program. I am sorry that I cannot give the Senator all details with regard to it, but I know that there is a cooperative medical program

of some kind. I have received no complaint that it was what is called socialized medicine.

Mr. BUSHFIELD. Is it the expectation of the Senator from Georgia that the medical program provided for in this measure will be a part of the F. S. A., in case we continue it?

Mr. RUSSELL. It will be unless some limitation is placed upon the appropriation. The Senator can draw his own conclusions, but for my part I am not going to make any snap judgment on it.

Mr. BUSHFIELD. In my own State it was a venture operated for profit by a few individuals.

Mr. RUSSELL. I would not approve of a program of that kind, but I can see that the Farm Security clients, who are poor people, may not be able to obtain medical attention unless they are permitted to obtain loans for that purpose.

Mr. BUSHFIELD. I never heard of a patient in my State unable to get a doctor.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MAYBANK. The Senator brought out a point about which I should like to ask him. Are these loans paid back?

Mr. RUSSELL. They are all repayable and most of them are being repaid.

Mr. MAYBANK. There is one thing about which not much has been said. We have been talking about money and loans, but not about production. Is it not a fact that a vast production in many areas of the United States today is from small farms?

Mr. RUSSELL. I would merely observe that any excess of labor in this country on the farm is on the small-type farm. The old man may be there and he may have a boy about 14 years of age, and a girl about 12 years of age, and his wife may be able to do a little work. If they have a little farm they can grow more chickens and maintain some extra milk cows. They have the labor. The large producers cannot get the labor to expand. These people have made a per-

fectly remarkable record in increasing their production.

I had intended to delay any discussion of this question until the appropriation bill came before the Senate, but these people have increased the production of milk, of butter, of pork, and of eggs, and other commodities which the War Food Administration has encouraged, to a much higher degree than have the average farmers in the country who are not under the Farm Security Administration.

Mr. CHAVEZ. Will the Senator from Georgia yield?

Mr. RUSSELL. I yield to the Senator from New Mexico.

Mr. CHAVEZ. Mr. President, the last statement made by the distinguished Senator is correct. The record is full of testimony of the increase in the production of poultry, of hogs, of milk, and of soybeans, by these particular farmers. As a matter of fact, it is a better record than was made by other classes of farmers.

Mr. President, with reference to the question asked by the Senator from South Dakota, I know that if it had not been for the help of the Farm Security Administration in my State in the way of medicine, in many instances in many counties there would not have been medicine for the people. It might have been socialized medicine, or this or that but it was certainly humane and I, for one, want that program to continue.

Mr. RUSSELL. In view of the statement which has been made about increased production, I ask unanimous consent that there appear at this point in the RECORD the tables which appear on page 359 of the hearings on the agricultural appropriation bill for the year 1945, showing the increase in the production that has been obtained through Farm Security borrowing.

The PRESIDING OFFICER. Is there objection?

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

1943 sales of livestock and livestock products by active standard Rural Rehabilitation borrowers who were operating farms in 1942 and 1943

Product	Unit ¹	1943 sales	Increase in sales, 1942 to 1943		Number of active men increased sales will feed for 1 year
			Amount	Percent	
Hogs.....	Pound.....	532,361,500	190,172,300	56	1,584,800
Cattle and calves.....	Pound.....	432,360,700	130,619,500	43	816,400
Sheep.....	Pound.....	62,777,800	14,333,000	30	716,600
Milk.....	Gallon.....	471,116,000	87,389,700	18	1,344,500
Chickens.....	Pound.....	66,069,700	20,987,000	47	787,000
Eggs.....	Dozen.....	126,333,500	30,418,500	32	1,789,300

¹ Pounds are live weight.

1942 and 1943 production of selected crops by 1943 active standard rural rehabilitation borrowers who were operating farms in both years

Crops	Unit	1942 production, amount	1943 production, amount	Percent increase 1942 to 1943
Soybeans.....	Bushels.....	3,682,500	5,049,200	37
Peanuts.....	Pounds.....	128,236,000	156,776,400	22
Dry beans and black-eyed peas.....	Pounds.....	73,176,500	84,185,000	15
Wheat.....	Bushels.....	27,546,100	26,550,300	-4
Irish potatoes.....	Bushels.....	12,698,200	20,596,800	65
Sweet potatoes.....	Bushels.....	5,225,000	5,972,700	14

Mr. LINGER. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. LINGER. With reference to the value of this program, I should like to call the attention of the distinguished Senator to the fact that no bank in my State will loan to an Indian on an Indian reservation. The Farm Security Administration loaned to Indians on the Standing Rock Reservation, and at Elbow Woods, and the loans were repaid by the Indians even in a greater proportion than the white people have repaid their loans. If this program shall be abolished, it will mean that such Indians can no longer get such loans. Therefore I am supporting the program.

Mr. RUSSELL. I believe that concludes the items in the bill, except that having reference to the so-called school lunch program.

Perhaps Senators will recall that when the appropriation bill was on the floor of the Senate last year, it came here after the House had eliminated the school-lunch program. The Senate included the provision in the bill. The House conferees were very reluctant to accept the provision, but finally did accept it, with the statement in the conference report that the program would not be urged in 1945 unless substantive legislation were enacted prior to that date. That goes to show the importance of having some statutory authorization such as we are seeking in the bill before us for the activities of the Department related directly to our people.

The standing Committee on Agriculture and Forestry has therefore adopted an amendment to the pending bill specifically authorizing a school lunch program for the ensuing fiscal year. If this program is to be had at all, we must have some authorization, because the House has, through the conference report, which the Senate conferees were compelled to agree to, stated the House would not consider the program this year, and it was voted down by a substantial majority on the floor of the House when an effort was made to bring it up this year.

Whatever may be the merits or the demerits of the school lunch program, there is certainly as great need for it this year as there has ever been before. More women are at work in the war plants, more mothers are compelled to work in the fields and around the lots on the farm, and they do not have the time or opportunity to prepare the food the children should have.

I personally think this has been one of the finest and most beneficial programs our country has ever seen. In my State, as well as in other States, I think in all of the States of the Union, there are children who eat practically the same things three times a day, and one of the most staggering indictments of our lack of interest in such a program I have ever seen was presented when large numbers of young men who had lived in their youth upon a diet which was deficient from a nutritional point of view, presented themselves to the selective service boards.

Unfortunately, over my objection, the standing Committee on Agriculture and Forestry adopted an amendment to the pending bill limiting the program to 1 year. I think we should adopt it permanently, but I am not in a position to offer such an amendment, because the chairman of the committee asked me to handle the bill upon the floor, and I was defeated on the same proposition in the committee.

Mr. McFARLAND. Mr. President, I should like to ask the Senator what reason was given for limiting the program to 1 year.

Mr. RUSSELL. Two things contributed to the committee's action. Those who oppose any school-lunch program, of course, voted to limit it to 1 year. There was another group who favor some program but who wanted to get some other kind of bill, and have the matter handled in some other way. I did not wish to risk the continuance of the program to the future whims and fancies of Congress, when we could have it provided for at this time, but I was outvoted in the committee.

Mr. BANKHEAD. It might be well to state that it was defeated by a tie vote.

Mr. RUSSELL. That is true; as I recall, the vote in the committee was 7 to 7.

Mr. BUSHFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BUSHFIELD. In regard to the school-lunch program, I should like to go back to the beginning and work up to the present time. The Senator is more familiar than I am with the reasons for the school-lunch program. Two reasons were stated at the time the program was started. First, it was to take care of surplus commodities from the farm, and, second, to employ W. P. A. labor. Those were the two reasons assigned for the provision.

Is there any justification for a continuation of this program at this time, when the Department of Agriculture tells us that the nutrition of the people of this country today is 44 percent higher than it was in 1935 and 1936?

Furthermore, here is the selective-service set-up. The distinguished Senator, as I understood him, stated there were many people in this country who were undernourished. I dispute that statement. The Department of Agriculture and some of its fanciful writers made the statement that millions of people were undernourished. That is not true, as is substantiated by the record. There is no better proof in America today of what I am saying than the selective-service system. They have examined fifteen to twenty million men. They have classified the reasons for the rejection of those men from the military service, and I shall refer to what they say about it. Instead of there being many people undernourished, I find in their report that just about 1½ percent are rejected for malnutrition. Those who are rejected for malnutrition, in fact, all the men who have been examined for military service came from the communities whence came the allegedly undernour-

ished children. If there were undernourishment to the extent the Senator has intimated, or the writers of the Department of Agriculture have told us, it would reflect itself in the military service, and it is not shown there.

Mr. RUSSELL. Mr. President, I am not here contending that we have any condition of starvation in this country such as that I saw in Calcutta, India, where the authorities were picking up people from the streets in the morning and throwing them on trucks and carrying them outside, burning the corpses of those who starved to death in the streets. Of course I have not contended we have any such condition of starvation as that in this country. But I also have some evidence. The Selective Service examinations, according to a statement I have, show that 3.2 percent of the registrants have had specific nutritional defects, such as beriberi, scurvy, pellagra, malnutrition, night blindness, and undernourishment. Those people were actually suffering from some disease caused by poor dietary conditions.

But in addition over 14 times as many, or 43 percent of these registrants, had defects of eyes, teeth, blood vessels, and other ailments which were partly traceable to nutritional deficiencies. I should like to point out that over 23 percent of 15,251 volunteers reporting to a Red Cross mobile blood donor unit in Chicago were rejected, 14 percent of them because of nutritional anemia. Certainly there are families with large numbers of children in this country that even today, at this time when the national income is greater than it has ever been before, do not have a fully balanced diet. That is not always on account of poverty or lack of funds. In a great many cases it is due to a lack of knowledge and understanding of how to prepare the food. Such knowledge is one of the greatest benefits we have derived from this school-lunch program. Some of the children from some homes have practically the same thing served them three times a day in many sections of the country. They know what an Irish potato is because they have it at home, but they have never seen whipped Irish potatoes or creamed Irish potatoes. They are familiar only with fried Irish potatoes. The school-lunch program has brought about a better understanding of diet and of better food and of better ways of preparing and using foods. It has opened up more avenues for many people of this country than almost any Federal program we have had.

Mr. BUSHFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BUSHFIELD. I should like to suggest that perhaps the Selective Service had better get together on the figures furnished. The book I hold in my hand was issued by the Selective Service, and I assume the book from which the Senator is quoting was issued by them. My book says that 1.5 percent were rejected by reason of malnutrition.

Mr. RUSSELL. I did not confine my statement to malnutrition. I said 3.2

percent had specific physical defects, such as beriberi.

Mr. BUSHFIELD. In the book I have, nothing is attributed to beriberi at all. After beriberi the item is blank. The same is true with respect to scurvy, which the Senator mentioned.

Mr. RUSSELL. I also referred to pellagra and rickets.

Mr. BUSHFIELD. Opposite pellagra the figure is one-tenth of 1 percent.

Mr. RUSSELL. Also underweight. I do not think there is any confusion with respect to the figures. The Senator is simply limiting his figures apparently to those who were suffering from lack of food at the time they were examined, and did not take into consideration those who were suffering from rickets, night blindness, pellagra, and other diseases which are directly attributable to malnutrition.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BYRD. Where were these figures secured?

Mr. RUSSELL. I requested those handling this program to obtain for me any figures they could from Selective Service.

Mr. BYRD. There is a wide discrepancy between the various figures which have been cited.

Mr. RUSSELL. I do not think there is, because the figures the Senator referred to related to malnutrition, whereas the figures I gave related to other diseases. There are different classifications involved.

Mr. BUSHFIELD. Mr. President, will the Senator again yield?

Mr. RUSSELL. I yield.

Mr. BUSHFIELD. But two of the so-called diseases the Senator mentions are given in the chart I have in my hand, which comes from Selective Service, as not having any effect at all, being simply blank.

One more point, Mr. President, if the Senator from Georgia will bear with me. The Senator spoke about the children who receive school lunches learning something about food. I agree with the Senator that it is most desirable to teach individuals to eat a better and a more complete diet, but are we to undertake at this time to tell the American people what kind of food they shall eat? Is the Senator prepared to go that far?

Mr. RUSSELL. No, I am not prepared to do that.

Mr. BUSHFIELD. That is the implication to be drawn from the Senator's remarks.

Mr. RUSSELL. I do not think such an inference can be properly drawn. I certainly think we ought to furnish all the information we possibly can to the American people on proper food for their use. Under the Senator's argument, carried to its last analysis, the Federal Government could furnish information on how to treat a horse for night blindness or any other disease of horses, but could not diffuse information as to the diet of human beings.

I say, Mr. President, that there is a tremendous amount of interest in this program. The Federal Government has some responsibility in connection with

this matter. I think it would cause much more confusion than Senators apprehend if this program were to stop now. It had a very small beginning. Today, with the contributions from the States—and the States are required to contribute under this language for expenditures this year—around \$40,000,000 of Federal funds are contributed—a total over-all expenditure of \$180,000,000 is now being made for school lunches in this country. For every dollar we put up approximately \$2 are being contributed by the local school districts or by the State organizations or other sponsors.

I also wish to point out that we have not solved our problems of surpluses in this country. When the War Food Administration picked the 46 different commodities for which they guaranteed prices, they invited some temporary surpluses. We have a temporary surplus of eggs today. We have a temporary surplus of cabbage today. These temporary surpluses will occur from time to time under this tremendous agricultural program we have to insure food and clothing for our people and our armed forces. This outlet through the War Food Administration for the school lunches is one of the most valuable outlets we have. It does not depress the prices the farmer receives. It does not affect market prices. It is not in competition with any other outlet. It serves a most useful purpose in the schools.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. TAFT. Did I understand the Senator to say that the program would be \$40,000,000 this year?

Mr. RUSSELL. No; the limitation is \$50,000,000, as I understand. Oh, yes, it will cost about \$40,000,000 this year.

Mr. TAFT. But the new appropriation for next year would not be over \$50,000,000?

Mr. RUSSELL. No; it would not be over \$50,000,000. The Senator from Ohio is responsible for that limitation this year. It was placed in the bill last year under an amendment offered by the Senator from Ohio.

Mr. BUSHFIELD. Mr. President, will the Senator again yield?

Mr. RUSSELL. I yield.

Mr. BUSHFIELD. Has the Senator any information respecting the number of Federal employees on the pay roll engaged in administering the school-lunch program?

Mr. RUSSELL. The number is very small. They are chiefly auditors who check the reports filed by the States as to the disposition of surpluses of agricultural commodities and of the funds that are turned over to the States. It is run in most instances almost entirely by the State departments of education.

Mr. BUSHFIELD. I have in my hand a booklet published by the Bureau of Agricultural Economics, called The School Lunch Program and Agricultural Surplus Disposal, in which it speaks of 65,000 workers engaged in administering this program.

Mr. RUSSELL. The Senator must be calling in all of the triple A people, even

down to the local committeemen, who do not have the remotest connection with the school-lunch program. There cannot be any large number of employees handling the Federal part of the program.

Mr. BUSHFIELD. I have a letter from the National School Cafeteria Association addressed to at least some Senators and Representatives, urging the recipients to get after their Members of Congress to put over this program, and I am wondering if there is not a pretty well oiled organization in the Department of Agriculture to put this program through?

Mr. RUSSELL. No; I do not think there is at all. There is interest, because people who have dealt with the program are naturally friendly to it. But none of these funds can be expended within the State by the State for any personal service. The States have to contribute all the personal service. The States have to contribute all the equipment on which the food is prepared and then distributed. The States have to pay out of their funds or school funds for the handling of these local programs in the schools. None of the Federal funds can be expended in the actual handling of the food. The Federal funds are provided only for the payment of those who distribute the food and the auditors to see that the States carry out the agreement, and that there are no sharp practices in the handling of the program.

Mr. BUSHFIELD. Mr. President, will the Senator yield once more?

Mr. RUSSELL. Yes.

Mr. BUSHFIELD. In view of the fact that this program was initiated to take care of the problem of agricultural surpluses, which does not exist today, what is the purpose of the school program?

Mr. RUSSELL. In the first place, I do not concede that we do not have any agricultural surpluses today. I have received mail from any number of poultry growers in my State in the past 2 months saying that the Federal Government had insisted that they increase their production of eggs, and now that they have increased their production they cannot sell them. There has been recent complaint that the Federal Government had promised them a certain price for their eggs, and that they could not get in the market the amount the Federal Government had promised them. The Federal Government is handling the surplus of eggs today. There is certainly no more valuable food than eggs. Eggs which are being acquired by section 32 funds are being shipped to schools. While this program is usually described in figures, so many millions of dollars, much of that money was in the form of eggs and in the form of cabbage, beans, and other food. In years past when we had the great glut of butter in this country, and butter went down to nearly nothing, this program handled thousands of pounds of butter and sent it to the schools and the children ate it.

Mr. WHERRY. Is the Senator in favor of surpluses that drive the farmers' products down to almost nothing?

Mr. RUSSELL. Mr. President, I have always felt that in time of war it is much better to have too much than to

have too little. For my part I would much rather have a surplus of food in this country than run into shortages and have the men that are overseas fighting this war for us be hungry for one moment. I want them to have the finest diet obtainable and plenty of it.

Of course I want the farmer to receive a fair price for his product. He does not do so now in all instances. However, without the support prices for these commodities he would be worse off than he is now. He has undoubtedly suffered as compared to some other groups from the way certain phases have been handled. But the farmer is as anxious to take care of those on the firing line as anyone else and he has made a magnificent contribution to that end.

Mr. WHERRY. That is the very thing I was talking about when I referred to the appropriation for the F. S. A. We have 30 percent more eggs this week than we had a year ago, and the F. S. A. has loaned money to the farmers to enable them to have more hens and to produce more eggs to make greater surpluses to be given away.

Mr. RUSSELL. I think it is better to have a surplus now than to have a shortage. That is the fundamental difference in my philosophy and that of the Senator from Nebraska.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. McFARLAND. I care little what the purpose of establishing this new lunch fund was in the first instance; I do not think it makes any difference why it was first established. The question is, Do we need it now? If the children of the United States, I care not if only one-half of 1 percent or one one-hundredth of 1 percent of them, are undernourished, to that extent I believe the Congress of the United States should feed the undernourished children. If we are going to cut down on appropriations, let us not cut down in this respect.

Mr. BUSHFIELD. Mr. President, will the Senator yield?

Mr. McFARLAND. I yield.

Mr. BUSHFIELD. I think the Senator should distinguish between undernourished and hungry children. We do not have any hungry children; we may have a small number of undernourished children.

Mr. McFARLAND. Whether they are hungry or undernourished we ought to give them the proper food.

Mr. TAFT. Do I understand the Senator to say that if one one-hundredth of 1 percent are undernourished the Federal Government ought to feed the other ninety-nine one-hundredths?

Mr. McFARLAND. I did not make any such statement. I said that, regardless of the percentage who are undernourished, the children should be fed.

Mr. TAFT. Yes; this program takes in everybody who is undernourished and everybody who is healthy, and it feeds those who are undernourished just as it does those who are in health. It is a matter of wise decision, I think, that is all.

Mr. RUSSELL. Mr. President, the Senator from Ohio is in error as to that.

The agreement entered into with the State boards of education and with parochial schools that have these programs set forth that they may charge to those who are able to pay, but they cannot charge those who are unable to pay, and in that way Federal money through the whole program is eventually funneled down where it does make lunches available to those who are unable to pay for them.

Mr. TAFT. That may be so, but I do not think that is the case in Ohio. The lunches were financed for all alike and no payment was made.

Mr. RUSSELL. The Senator is as badly mistaken as he ever was in his life. The children pay for those lunches in almost every instance where they are able to pay. There are three different types of luncheons: one toward which the Federal Government contributes 9 cents, a hot lunch in the middle of the day; then a 6-cent lunch, and then the milk program; but all the agreements provide that those who are unable to pay shall not be discriminated against in the schools. In that way the program finally does get down to those who are in need.

Mr. McFARLAND. Mr. President, I have received many letters upon this subject and many people in my State are concerned in regard to the possible elimination of this program. I should like to read an example of the letters which I have received in regard to this subject.

Mr. STEWART. Mr. President, will the Senator let me ask him a question?

Mr. McFARLAND. Very well.

Mr. STEWART. What is the objection to the school-lunch program anyway?

Mr. McFARLAND. The Senator will have to ask those who are objecting to it.

Mr. STEWART. They have not stated any reason as yet.

Mr. McFARLAND. I do not know why they object, I do not know why anyone should object to feeding a hungry child.

Mr. President, I have received many letters along the line of the following:

AVONDALE GRAMMAR SCHOOL,
Avondale, Ariz., April 17, 1944.

HON. ERNEST W. McFARLAND,
Senate Office Building,
Washington, D. C.

DEAR SIR: I have been principal of the Avondale School 8 years, which is located in a rural community 18 miles west of Phoenix. Just 2 miles from the Avondale School we have a migratory labor camp which houses about 400 families. Besides these 400 migratory families farmers in the community have provided temporary shelters for hundreds of other farm workers.

In dealing with low-income families we have found it almost necessary to provide some sort of a low-cost nourishing meal for children from these homes.

With Federal assistance for the school-lunch program the Avondale School has been able to provide lunches for about 400 school children daily for the last 5 years.

When we read in the papers such statements as "Federal assistance for the school-lunch program will cease June 30" we begin to wonder just how schools will be able to continue with a satisfactory school-lunch program without this Federal aid.

As principal of the Avondale School and a citizen in a farming community, I wish to

solicit your support in the continuance of Federal aid for the school-lunch program. Your support in this worthy Nation-wide program is badly needed.

Very truly yours,

L. F. COOR.

Mr. President, I have many other communications along the same line. I maintain that there is need for this program, and in this time when we have authorized money to U. N. R. R. A. to feed those who are undernourished in other lands, are we going to deny to our own children in the United States needed luncheons?

At the proper time, Mr. President, I expect to offer an amendment to eliminate the restriction to 1 year, because when this program is needed, whether next year or in time to come, I maintain we should provide the money for the purpose.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Dakota to recommit the bill.

Mr. BUSHFIELD. Mr. President, I desire at this time to withdraw my motion to recommit.

The PRESIDING OFFICER. The motion to recommit is withdrawn. The clerk will state the first committee amendment which appears to be section 303.

The LEGISLATIVE CLERK. On page 13, after line 2, it is proposed to insert:

Sec. 303. That all purposes and objects of expenditure which are provided for under the item "Loans, grants, and rural rehabilitation," in the Department of Agriculture Appropriation Act, 1944, are hereby authorized for each fiscal year, beginning with the fiscal year ending June 30, 1945, in the manner, in the detail, and under the conditions, authorities, restrictions, and limitations as are contained in the item referred to, and there are hereby authorized to be appropriated and to be otherwise made available such sums as Congress may deem necessary for the purposes of this section.

Mr. BANKHEAD. Mr. President, I offer an amendment to the committee amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment, section 303, lines 7 and 8, page 13, it is proposed to strike out "for each fiscal year, beginning with the fiscal year ending June 30, 1945," and insert in lieu thereof "for each of the fiscal years 1944-5 and 1945-6."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama to the committee amendment.

The amendment to the amendment was agreed to.

Mr. BUSHFIELD. Mr. President, I send to the desk an amendment which I desire to offer to the committee amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 13, line 12, after the word "section" in the committee amendment, it is proposed to insert a colon and the following proviso: "Provided, That no part of such sums be available for the promotion or aid

of any program of medical care which prevents the patient from having the services of any practitioner of his own choice so long as State laws are complied with."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Dakota to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The LEGISLATIVE CLERK. On page 13, after line 12, it is proposed to insert the following:

Sec. 304. Public Law 118, Seventy-eighth Congress, approved July 7, 1943, is hereby amended by the addition of the following: "That farmers' reports of the acreage of flue-cured tobacco planted or harvested in the marketing years 1944-45 shall be considered correct if within one-fifth of an acre or 7 percent, whichever is greater, of the acreage finally determined, but the acreage in excess of that reported shall not be considered as past production in succeeding years."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. LANGER. Mr. President, I wish to know why the amendment is limited to tobacco.

Mr. RUSSELL. The amendment was offered by the Senator from South Carolina [Mr. SMITH]. He can explain it, perhaps, better than I can.

Mr. LANGER. I should like to know from the distinguished senior Senator from South Carolina, why, in line 16, the provision with respect to acreage is limited to flue-cured tobacco. The Senator will recall that a short time ago there was an acreage limitation on wheat.

Mr. RUSSELL. Tobacco is the only commodity which is under acreage limitation at the present time. There is no acreage limitation on any commodity except tobacco.

Mr. LANGER. I know that at the present time there is no acreage limitation on any other commodity. However, if we are to extend this provision into 1946 and possibly 1947, I wish to be sure that wheat is also covered.

Mr. SMITH. Mr. President, tobacco is the only commodity which is now under acreage limitation.

Mr. LANGER. Mr. President, the Senator knows that the only reason why wheat can be overseeded is because of a directive issued by the Secretary of Agriculture. Wheat farmers are limited by that directive.

Mr. RUSSELL. Mr. President, tobacco is the only commodity now under acreage restriction. There may be some question as to the wisdom of the amendment from the standpoint of the tobacco growers. However, no other commodity is now under acreage restriction. Any farmer can plant all the wheat or rice or cotton he wishes to plant. Tobacco is the only commodity now under acreage restriction.

Mr. LANGER. Mr. President, I think the Senator will agree that the only rea-

son why farmers are not now limited as to the acreage they may plant in wheat is because of a directive issued by the Secretary of Agriculture, not because of the law.

Mr. RUSSELL. That may be true. No election as to wheat or cotton was held last year. The amendment will have no effect on wheat because, under the directive of the Secretary of Agriculture, farmers can plant all the wheat they wish to plant.

Mr. LANGER. Does the Senator say that in 1945 there will be no limitation on the acreage which may be planted in wheat, so far as the Senator can now foresee?

Mr. RUSSELL. I have not heard of any proposal to limit wheat acreage in 1945. We seem to be faced with a shortage of wheat, especially for feed.

Mr. SMITH. Mr. President, this amendment is offered because under the allotment program the farmers who plant tobacco never have used all their allotments, for fear they might overplant, and be penalized. The amendment provides that if the farmers overplant not more than one-fifth of an acre or 7 percent, whichever is greater, they shall not be penalized; but the amendment would take effect for only 1 year.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 13, lines 13 to 21.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment was, on page 15, after line 11, to insert:

SEC. 403. Section 32 of the act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes," approved August 24, 1935 (49 Stat. 774), as amended, is hereby further amended by the addition of the following language:

"The funds appropriated by and pursuant to this section may also be used during the fiscal year ending June 30, 1945, to provide food for consumption by children in non-profit schools of high-school grade or under and for child-care centers through (a) the purchase, processing, and exchange, and the distribution of agricultural commodities and products thereof; or (b) the making of payments to such schools and centers or agencies having control thereof in connection with the purchase and distribution of agricultural commodities in fresh or processed form and, when desirable, for the processing and exchange of such commodities and their products; or (c) by such other means as the Secretary may determine: *Provided*, That funds appropriated for the purposes of this program shall be apportioned for expenditure in the States, Territories, possessions, and the District of Columbia in accordance with school enrollment, as determined by the Secretary, except that if program participation in any States does not require all funds so apportioned, the Secretary may reapportion such excess funds to such other States in consideration of need, as he may determine: *Provided further*, That benefits under this section to schools or child-care centers shall in no case exceed the cost of the agricultural commodities or products thereof delivered to the school or child-care center as established by certificates executed by the authorized representative of the sponsoring agency: *Provided further*, That such sponsoring agency shall maintain accounts and records clearly establishing costs of agricultural commodities or products furnished in

the program and that such accounts and records shall be available for audit by representatives of the Department of Agriculture: *Provided further*, That these funds may be used for, or to make payments in connection with, the purchase of such agricultural commodities and for exchanging, distributing, disposing, transporting, storing, processing, inspection, commission, and other incidental costs and expenses without regard to the provisions of section 3709 of the Revised Statutes and without regard to the 25 percent limitation contained in this section: *Provided further*, That not more than 2 percent of the funds made available under this amendment shall be used to provide food for children in child-care centers.

"There are hereby authorized to be appropriated, for the fiscal year ending June 30, 1945, such additional amounts for the purposes of this amendment as the Congress may deem necessary."

Mr. MCFARLAND. Mr. President, to the committee amendment, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to strike out all after the word "used", in line 18, page 15, down to and including the figures "1945", in line 19, page 15.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

Mr. RUSSELL. Mr. President, I favor the amendment offered by the Senator from Arizona to the committee amendment and so voted in committee. This amendment is a rather important one. Do I understand that the amendment has been agreed to.

The PRESIDING OFFICER. It has.

Mr. MCFARLAND. Mr. President, the Chair previously stated that my amendment to the committee amendment was agreed to, and I believe everyone understands what has occurred.

Mr. RUSSELL. I do not know whether all Senators understood that the effect of the amendment of the Senator from Arizona to the committee amendment was to make the school lunch program a permanent matter.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. That concludes the committee amendments.

The bill is open to further amendment.

Mr. TAFT. Mr. President, I do not understand what happened to the committee amendment as amended.

The PRESIDING OFFICER. It was adopted, as amended by the amendment offered by the Senator from Arizona.

Mr. TAFT. What was that?

The PRESIDING OFFICER. The amendment to the amendment was read from the desk, but it is possible that the Senator from Ohio did not hear it distinctly.

Mr. TAFT. Mr. President, I move that the vote by which the amendment of the Senator from Arizona to the committee amendment was adopted be reconsidered. Am I to understand that the amendment of the Senator from Arizona struck out the date "1945"?

The PRESIDING OFFICER. Will the Senator from Ohio propound his question again?

Mr. TAFT. I wish to know what was the amendment which was adopted to the committee amendment.

The PRESIDING OFFICER. The clerk will read it.

The LEGISLATIVE CLERK. On page 15, in line 18, all after the word "used" was stricken out, down to and including the figures "1945", in line 19, page 15.

Mr. TAFT. Mr. President, I move that the vote by which the amendment of the Senator from Arizona to the committee amendment was agreed to be now reconsidered. I do not think the Senate understood the action which was taken.

Mr. MCFARLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MCFARLAND. Has not the committee amendment as amended been agreed to?

The PRESIDING OFFICER. It has.

Mr. TAFT. Mr. President, then I move that the vote by which the committee amendment as amended was agreed to be reconsidered.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote by which the committee amendment as amended was agreed to. [Putting the question.]

Mr. MCFARLAND. I ask for a division.

Mr. TAFT. Mr. President, I thought the Chair ruled at one time on the matter.

The PRESIDING OFFICER. All in favor of agreeing to the motion to reconsider the vote by which the committee amendment as amended was agreed to will stand.

Mr. TAFT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TAFT. Mr. President, we have proceeded all day on the theory that we were authorizing the child-feeding program for 1 year, on a temporary basis. That was the proposal made by the committee. That was the basis on which all opposition to the proposal was practically eliminated and the debate on it was eliminated. I think it is an extraordinary procedure for a Senator to submit, at the last moment, an amendment making the program a permanent institution.

Mr. MCFARLAND. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. MCFARLAND. Is a Senator precluded from offering an amendment merely because the Senator from Ohio has proceeded on the theory that we were going to make the provision for only 1 year?

Mr. TAFT. Not at all; but that has been the assumption.

Mr. MCFARLAND. That was not the assumption of the Senator from Arizona.

Mr. TAFT. If that was not the assumption, I intend to open the whole debate again. I should like to speak at some length on the subject, because it seems to me we are adopting a policy which is wholly unjustified as a permanent measure by the Constitution of the United States, and one to which I certainly am very strenuously opposed. I made no objection to the continuation of the program for 1 year, because it is now in actual process. There are now pending in committee three bills to establish a permanent program. Under those bills the program is set up in considerable detail. Two of the bills are now pending in the Committee on Agriculture and Forestry, and one in the Committee on Education and Labor. Hearings on the bills are about to begin, if they have not already begun today. Certainly it was not the intention in this bill to provide for the permanent establishment of a program of child feeding, and I do not think the Senate desires that the bill do so. If any such program is to be established there are many restrictions and amendments which should be adopted, in order to work it out in a proper way, if it is to be done at all.

Mr. WHITE. Mr. President, quite apart from the merits of this matter, namely, whether the amendment to the committee amendment should be incorporated in this legislation, I submit to the Senator from Arizona that there was confusion in the Chamber when his amendment was offered. There was even greater confusion when the vote was taken. I venture the assertion that few Senators now in the Chamber had any appreciation of what the parliamentary situation was at the time when they voted or failed to vote. I simply submit to the Senator from Arizona that he should consent to the reconsideration of this matter, and to its determination upon its merits, as the Senate understands them.

Mr. MCFARLAND. Mr. President, I will do so on the condition that we take the vote now, and conclude consideration of the matter.

Mr. SMITH. Mr. President, I wish to say that two bills on the subject of school lunches are now pending before my committee, and I think there is perhaps a third one. Hearings on them have been held or will be held, and the question will be brought before the Senate for permanent settlement.

Mr. MCFARLAND. Mr. President, in answer, I would say that if a bill providing for a permanent program is brought in it will amend the pending legislation. There is no harm in my amendment to the committee amendment. All my amendment would do would be to authorize the Appropriations Committee to appropriate money, if and when, after they have heard the evidence, they find there is need for it. That is all in the world that this authorization does. It does not appropriate the money. If after the Appropriations Committee hears the evidence, it finds, and the Congress finds, that the money is necessary and the appropriation should be made, it will be made. That is all the amendment

does. It does not appropriate any money.

Mr. SMITH. Mr. President, I think the amendment which was agreed to is a reasonable compromise on the question of future permanent legislation.

Mr. ELLENDER. Mr. President, as I recall, when the Committee on Agriculture and Forestry had this bill under discussion, a motion was made to incorporate in the bill the amendment which was submitted by the distinguished Senator from Arizona [Mr. MCFARLAND], which was defeated.

Mr. MCFARLAND. It was defeated by a tie vote.

Mr. ELLENDER. That is correct. The committee thought it best to limit the program to 1 year, in view of the fact that we had pending before our committee two bills. I will say to the Senate that we are now holding hearings on those two bills, so as to determine how these funds should be handled in the future.

In view of that fact, my hope is that the Senate will limit this authorization to 1 year only.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio [Mr. TAFT] to reconsider the vote by which the committee amendment on page 15, line 12, as amended, was agreed to. On this question the yeas and nays have been ordered.

Mr. RUSSELL. Mr. President, if we can vote on the question at this time, I am sure the Senator from Arizona has no objection to the amendment being voted upon on its merits.

Mr. MCFARLAND. That is correct.

Mr. RUSSELL. If we can have the vote now and dispose of the question.

Mr. VANDENBERG. Mr. President, I ask unanimous consent that the vote by which the committee amendment as amended was agreed to, may be reconsidered.

Mr. MCFARLAND. Mr. President, I will not object to that if the Senator will agree that we proceed at once to vote. I do not wish to postpone consideration of the bill indefinitely. If I am in the minority, very well.

Mr. TAFT. Mr. President, I will not agree to postpone debate. I propose to discuss the question at as great length as is necessary. If the Senator wishes to give unanimous consent, I do not see that he loses anything, because the same issue will arise on his amendment.

Mr. MCFARLAND. If the Senator from Michigan informs me that he did not understand this matter when it was voted upon—

Mr. VANDENBERG. I simply wish to say that I think the Senator from Arizona will lose no rights if the issue is voted upon first-hand instead of second-hand. I am sure the Senator from Arizona would not wish to put himself in the position of denying any Senator the right to be heard upon a subject which he did not understand was being voted upon. I know the Senator from Arizona too well to think that he would take that position.

Mr. MCFARLAND. I thank the Senator from Michigan for his generosity

to me. Certainly I do not wish to deny any Senator the privilege of being heard. I should like to have the bill disposed of this afternoon, because it has been pending for some time.

Mr. VANDENBERG. I share that wish.

Mr. McFARLAND. I do not wish to deprive the Senator from Ohio of the opportunity of discussing the amendment. I will agree to the unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan? The Chair hears none, and it is so ordered.

Without objection, the order for the yeas and nays is rescinded; and, without objection, the vote by which the amendment of the Senator from Arizona [Mr. McFARLAND] was agreed to is also reconsidered.

Mr. TAFT. Mr. President, the proposal of the committee is to appropriate \$50,000,000 a year for the Federal Government to provide school lunches in many thousands of public and private schools throughout the United States.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. McFARLAND. Does it authorize a specific amount?

Mr. TAFT. I mention \$50,000,000 because, as a matter of fact, the authorization is unlimited, but the actual appropriation which will be proposed this year will be \$50,000,000.

Mr. McFARLAND. It is limited by the need found by Congress, is it not?

Mr. TAFT. It is limited, of course, as all authorizations are, by the amount of the appropriation which may be made.

The purpose of this item is:

To provide food for consumption by children in nonprofit schools of high-school grade or under and for child-care centers through (a) the purchase, processing, and exchange, and the distribution of agricultural commodities and products thereof; or (b) the making of payments to such schools and centers or agencies having control thereof in connection with the purchase and distribution of agricultural commodities in fresh or processed form and, when desirable, for the processing and exchange of such commodities and their products; or (c) by such other means as the Secretary may determine.

The Surplus Commodity Corporation first distributed surplus foods. After a while, when there were no surplus foods, it proceeded to commute the food payments into cash, without any authority whatsoever. Its action was confirmed by Congress in one or two appropriation bills, but in the main it had no authority whatever. The first we heard of it, the Surplus Commodity Corporation had suddenly commuted payments into cash, and was distributing cash to all the individual schools throughout the United States.

Mr. RUSSELL. Mr. President, the Senator is in error. None of those payments were ever made until the Congress in an appropriation bill, specifically authorized the use of section 32 funds. A vote was had on the question, and the Senator from Ohio offered an amend-

ment which reduced the amount which could be handled in that manner from \$60,000,000 to \$50,000,000.

Mr. TAFT. That was a year ago.

Mr. RUSSELL. I understand that; but no payments were ever made which the Congress did not authorize in an appropriation bill.

Mr. TAFT. That was a year ago. At that time we were told that it had already been done, and that if we did not vote to approve it, a program in full force and operation would be stopped. If my recollection is correct, the Senator admitted last year that the administration had commuted the payments and had made subsidy payments without authority from Congress.

Mr. RUSSELL. No. Reimbursement payments for other than surpluses were made only under specific authority from the Congress. We gave that authority. There was some question about it last year, and the Senator from Ohio raised the question of the amount, and the Senate reduced the amount. The Senator charges the authorities with spending the money illegally. I assert that Congress had given the War Food Administrator the power to do this, and there has been no abuse of statutory power. The program has been more or less patchwork. It grew up like Topsy, through the disposition of the surplus commodities. There have been defects here and there, but I do not admit that it has been in violation of law.

Mr. TAFT. I do not assert that the payments were illegally made since we appropriated money a year ago, but I say that they undertook to make subsidy payments before there was any statutory authority whatsoever. That is history. It is water over the dam. I do not think it is particularly material here, but that is the history of the case.

Mr. RUSSELL. I think it is very material whether or not the authorities have violated a law of Congress. I do not think they have done so. I believe that the entire program has been carried on in conformity with section 32, as well as the specific authority of the Congress as delegated in the agricultural appropriation act. I do not think there has been any violation of law in this program.

Mr. TAFT. I think the Senator is mistaken. I shall be glad to submit a memorandum later to show the facts.

On the basic question of this program, I cannot understand the basis on which the Federal Government is asked to provide food, or money to pay for lunches of children throughout the United States. The program is not confined to poor children. In practice it may be or it may not be so confined. The authorization is to provide lunches for children in any school in the United States.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Georgia.

Mr. RUSSELL. If the Senator will permit me, I wish to read from a copy of the master agreement which was entered into between the Department of Agricul-

ture and the several States, or the individual schools. This is article 6:

The sponsoring agency—

That is, the school—

shall offer meals to all children attending the school or child-care center, and shall serve meals without cost to all children unable to pay. No discrimination or segregation of any sort shall be permitted between paying and nonpaying children.

That is the provision in every one of these contracts. Children who are able to pay may be charged but those who are unable to pay are not charged. I have before me a statement—

Mr. TAFT. The Senator is presumably reading from some agreement, which has no relation whatever to the act. So far as the act is concerned, it authorizes the Secretary of Agriculture to give food to any children, at any school—public, parochial, or otherwise—which is operated by a nonprofit organization.

Mr. RUSSELL. I am speaking of—

Mr. TAFT. Mr. President, I decline to yield further at this time.

Mr. RUSSELL. Mr. President, I have never declined to yield to the Senator. I was about to read figures from the State of Ohio. The Senator has declined to yield, which he has a right to do.

Mr. TAFT. I shall be glad to yield to the Senator for that purpose.

However, it is perfectly clear that there is nothing in the authorization which in any way confines the distribution of school lunches. This is a program by which the Federal Government, so far as we can see, and so far as any limitation here is concerned, may pay 100 percent of the cost of the lunch of every school child in the United States, in every county, every city, and every school district in the United States. There is nothing in the Federal Constitution, or in our dual system of government, which authorizes the Federal Government to undertake any such payment, or justifies it in doing so.

We have assisted States in the payment of relief money. It has always been related in some way to the need. This program is in no way related to the need. It is proposed that every child in every school shall receive a free lunch from the Federal Government. That is a necessary implication, and authority for it is given in the bill which we are now asked to pass. It applies to every rich child. The proposal that we shall try to make paupers of some children and say to them in effect, "You cannot pay for your lunch," would be an unfortunate democratic situation if put into effect.

Mr. President, I see no reason whatever for the Federal Government to undertake a program of this character. We might as well give every child in the United States a pair of shoes, to be paid for out of the Federal Treasury. There is no distinction that I can see between that and the school-lunch program which is here proposed. The program has been lobbied all over the United

States. One of the heads of the Department of Agriculture has been stirring up telegrams and has been active in appearing in a double capacity in order to lobby for this particular program. Jessie W. Harris, a division chief in the Department of Agriculture, has been active. She has sent to persons all over the United States her propaganda in favor of this particular measure. She is also president of the Home Economics Association, and appears in her capacity as such while at the same time being paid by the United States Department of Agriculture.

I believe that we have here a program which Congress has never approved and which has no constitutional purpose whatever. I can see some reason, during wartime when mothers and fathers are working, and when it is difficult to provide lunches, for the Federal Government to take an interest in seeing that children receive the benefits of the proposed program. But as a permanent program following the war I cannot see the slightest interest which the Federal Government should have in this kind of activity. I should be willing to go along with a 1-year or a 2-year program.

During the war we have a special situation in which children are not well cared for, and in which parents are not always able to provide for them. Because of the increase in the cost of living many parents are finding it more difficult to provide for their children. However, once the war is over, I can see no reason for providing for this program unless we are to support all the children of the United States.

I think it would be very unfortunate to extend the program beyond the period of the war. I think it is unfortunate that the issue should have been raised in connection with this bill, which involves many other matters of greater importance, and I feel very strongly that the amendment offered by the Senator from Arizona [Mr. McFARLAND] should be rejected.

Mr. McFARLAND. Mr. President, I will compromise with the Senator on 2 years.

Mr. TAFT. I am willing to agree to 2 years because I am willing to consider it on a war basis. I accept the proposed compromise of the Senator from Arizona.

Mr. McFARLAND. Mr. President, I wish to modify my amendment so as to read, in line 18 on page 15:

The funds appropriated by and pursuant to this section may also be used during the fiscal years ending June 30, 1945 and 1946—

And so forth.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Arizona, as proposed by him to be modified.

The LEGISLATIVE CLERK. On page 15, line 18, in the committee amendment, after the word "fiscal," it is proposed to strike out "year" and insert "years"; and in line 19, after "1945," it is proposed to insert "and 1946."

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Arizona

[Mr. McFARLAND] to the committee amendment beginning in line 17 on page 15.

The modified amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be offered, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H. R. 4278) was read the third time and passed.

Mr. SMITH. I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SMITH, Mr. RUSSELL, Mr. BANKHEAD, Mr. SHIPSTEAD, and Mr. AIKEN conferees on the part of the Senate.

SETTLEMENT OF CLAIMS ARISING FROM TERMINATED WAR CONTRACTS

Mr. GEORGE. Mr. President, I move that the Senate proceed to the consideration of Senate bill 1718. I wish to have it made the unfinished business, but not considered further at this time.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1718) to provide for the settlement of claims arising from terminated war contracts, and for other purposes.

Mr. BARKLEY. Mr. President, I promised the office of the Senator from West Virginia [Mr. KILGORE], who was present a day or two ago, that the bill would not be taken up until he had an opportunity to return, which I understand will be tomorrow.

Mr. GEORGE. It will not be taken up until tomorrow.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. JACKSON in the chair) laid before the Senate a message from the President of the United States submitting sundry nominations of postmasters, which was referred to the Committee on Post Offices and Post Roads.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. McCARRAN, from the Committee on the Judiciary:

Harold K. Claypool, of Ohio, to be United States marshal for the southern district of Ohio, vice Charles H. Sisson, deceased;

William M. Lindsay, of Kansas, to be United States marshal for the district of Kansas; and

Elwyn R. Shaw, of Illinois, to be United States district judge for the northern district of Illinois, vice Charles Edgar Woodward, deceased.

By Mr. MURDOCK, from the Committee on the Judiciary:

Byron B. Harlan, of Ohio, to be United States attorney for the southern district of Ohio, vice Leo Calvin Crawford, term expired.

By Mr. CONNALLY, from the Committee on Foreign Relations:

S. Pinkney Tuck, of New York, now a Foreign Service officer of class 1, to be Envoy Extraordinary and Minister Plenipotentiary to Egypt; and

R. Henry Norweb, of Ohio, now Envoy Extraordinary and Minister Plenipotentiary to Portugal, to be Ambassador Extraordinary and Plenipotentiary to Portugal.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Several postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

THE JUDICIARY

The legislative clerk read the nomination of Harry O. Arend to be United States attorney for division No. 4 of Alaska.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Edward M. Curran to be United States attorney for the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Brian S. Odem to be United States attorney for the southern district of Texas.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of William R. Smith, Jr., to be United States attorney for the western district of Texas.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of George A. Wright to be United States marshal for the district of Montana.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BARKLEY. I ask that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

The legislative clerk will state the next nomination on the calendar.

DEPARTMENT OF THE TREASURY

The legislative clerk read the nomination of Joseph J. O'Connell, Jr., to be general counsel for the Department of the Treasury.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES TARIFF COMMISSION

The legislative clerk read the nomination of Edgar Bernard Brossard to be a member of the United States Tariff Commission for a term expiring June 16, 1950.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

BUREAU OF INTERNAL REVENUE

The legislative clerk read the nomination of George J. Schoeneman to be Assistant Commissioner of Internal Revenue.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

NATIONAL HOUSING AGENCY

The legislative clerk read the nomination of Philip M. Klutznick to be Administrator of the United States Housing Authority.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COLLECTOR OF INTERNAL REVENUE

The legislative clerk read the nomination of Joseph P. Marcelle to be collector of internal revenue for the first district of New York.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COLLECTORS OF CUSTOMS

The legislative clerk read the nomination of Paul R. Leake to be collector of customs for customs collection district No. 28.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Martin O. Bement to be collector of customs for customs collection district No. 9.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Austin J. Mahoney to be collector of customs for customs collection district No. 8.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations for promotion in the United States Public Health Service.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. BARKLEY. I ask unanimous consent that the President may be immediately notified of all these confirmations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

The clerk will state the next nomination on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the postmaster nominations are confirmed en bloc.

Mr. BARKLEY. I ask unanimous consent that the President be immediately notified of these confirmations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

That completes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess until Wednesday, May 3, 1944, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 2 (legislative day of April 12), 1944:

POSTMASTERS

The following-named persons to be postmasters:

ARIZONA

Jeanette Mae Collins, Dateland, Ariz. Office became Presidential July 1, 1943.

ARKANSAS

M. Evorie Kirkham, Delight, Ark., in place of G. L. Webb, resigned.

CALIFORNIA

Henry I. Holrup, Bolinas, Calif. Office became Presidential July 1, 1943.

Roy A. Smith, Eldridge, Calif., in place of A. E. Schieck, deceased.

Kenneth Baird Haslam, Firebaugh, Calif., in place of F. I. Wyckoff, transferred.

Robert E. Meacham, Hermosa Beach, Calif., in place of M. S. Wick, resigned.

Eva L. Fowler, Kelseyville, Calif., in place of N. C. Fowler, deceased.

Lawrence P. Comerford, Lincoln Acres, Calif. Office became Presidential July 1, 1943.

Sadie L. Diaz, San Marcos, Calif. Office became Presidential July 1, 1943.

Llewellyn B. Peck, Saratoga, Calif., in place of L. C. Puccinelli, resigned.

Wanda L. Stark, Tulalake, Calif., in place of E. M. Taylor, resigned.

COLORADO

Harry R. Boles, Kersey, Colo. Office became Presidential July 1, 1943.

CONNECTICUT

Earl E. Sexton, East Lyme, Conn. Office became Presidential July 1, 1943.

Roland Lester Powe, North Windham, Conn. Office became Presidential July 1, 1943.

DELAWARE

Mary S. Bell, Smyrna, Del., in place of D. H. Bell, deceased.

GEORGIA

J. Heard Summerour, Duluth, Ga. Office became Presidential July 1, 1943.

Ruth G. Dixon, Girard, Ga. Office became Presidential July 1, 1942.

Wilma G. Cook, Parrott, Ga., in place of H. E. Cook, deceased.

IDAHO

Imelda B. Wimer, Cottonwood, Idaho, in place of F. S. Wimer, deceased.

ILLINOIS

Nigel B. Herrin, Cave in Rock, Ill., in place of W. C. Herrin, deceased.

Roll E. Gibbs, Clayton, Ill., in place of C. B. Pevehouse, deceased.

Earl D. Husted, Cornell, Ill. Office became Presidential July 1, 1943.

Margaret W. Irish, Farina, Ill., in place of B. J. Donaldson, transferred.

Myrtle Wilkison, Glen Carbon, Ill. Office became Presidential July 1, 1943.

Mary Ruth Shine, Glenwood, Ill. Office became Presidential July 1, 1943.

John L. Zimmerman, Hinsdale, Ill., in place of F. M. Rawlings, resigned.

Wendell A. Stotler, Hudson, Ill. Office became Presidential July 1, 1943.

Mary H. Coffey, Maple Park, Ill., in place of L. E. McKelvey, resigned.

Hugh James, Montrose, Ill. Office became Presidential July 1, 1943.

James D. Cook, Mulkeytown, Ill. Office became Presidential July 1, 1943.

Lewis R. Wall, New Douglas, Ill. Office became Presidential July 1, 1943.

Albert W. Schurg, Pesotum, Ill. Office became Presidential July 1, 1943.

Charles E. Lowry, Philo, Ill. Office became Presidential July 1, 1943.

Samuel W. Brown, Ringwood, Ill. Office became Presidential July 1, 1943.

Jacob H. Michel, West Brooklyn, Ill. Office became Presidential July 1, 1943.

INDIANA

Mary E. Wade, Wilkinson, Ind. Office became Presidential July 1, 1943.

IOWA

George O. Friedrichsen, Alford, Iowa. Office became Presidential July 1, 1943.

Anton C. Rank, Buffalo Center, Iowa, in place of H. E. Eliel, deceased.

Emma M. Jochimsen, Callender, Iowa. Office became Presidential July 1, 1943.

William H. Meshek, Dedham, Iowa. Office became Presidential July 1, 1943.

Eva M. Anderson, Fremont, Iowa, in place of G. V. Fellers, resigned.

Ida E. Heffernan, Peosta, Iowa. Office became Presidential July 1, 1943.

John R. Shebek, Riverside, Iowa, in place of J. P. Quinn, transferred.

Alice B. Dougherty, Sheldon, Iowa, in place of W. J. Hollander, resigned.

KENTUCKY

Charles M. Swim, Frenchburg, Ky. Office became Presidential July 1, 1943.

LOUISIANA

Mathias J. Reuter, Arabi, La., in place of W. F. Roy, Jr., resigned.

MARYLAND

Kenneth L. Toohey, Cresaptown, Md. Office became Presidential July 1, 1943.

Rachel S. Rowe, Landover, Md. Office became Presidential July 1, 1943.

William H. Fridinger, Williamsport, Md., in place of N. T. Reed. Incumbent's commission expired May 12, 1942.

MASSACHUSETTS

John J. Lynch, Uxbridge, Mass., in place of C. E. Cook, retired.

MICHIGAN

Clifford B. Dabney, Almont, Mich., in place of R. P. Hallock, retired.

Oswald J. Koch, Ann Arbor, Mich., in place of F. S. Abbott, removed.

Barbara B. Burwell, Baldwin, Mich., in place of A. C. Mistell, retired.

Carleton A. May, Camden, Mich., in place of Ka. Rice, resigned.

Arthur Elmore, Hanover, Mich. Office became Presidential July 1, 1943.

Roy G. Hubbard, Hastings, Mich., in place of L. F. Maus. Incumbent's commission expired August 19, 1941.

Minnie H. Nash, Holton, Mich. Office became Presidential July 1, 1943.

Claude A. Van Dusen, Jasper, Mich. Office became Presidential July 1, 1943.

D. D. Harris, Lansing, Mich., in place of C. E. Cady, resigned.

William H. Cuthbertson, Ludington, Mich., in place of W. H. Cuthbertson. Incumbent's commission expired March 30, 1942.

Verna E. Cameron, Lyons, Mich., in place of E. C. Clements, resigned.

Paul A. Curtis, Middleton, Mich., in place of C. M. Troub, transferred.

Aaron R. Merritt, Mulliken, Mich. Office became Presidential July 1, 1943.
 Bernath S. Ernst, Nunica, Mich. Office became Presidential July 1, 1943.
 William M. Flachs, Remus, Mich., in place of K. E. H. Beyer, resigned.
 Helen L. Young, Riverdale, Mich. Office became Presidential July 1, 1943.

MINNESOTA

Ralph B. Dingmann, Clear Lake, Minn. Office became Presidential July 1, 1943.
 Cora E. Albright, Lengby, Minn. Office became Presidential July 1, 1943.
 Leonard J. Hintzen, Miltna, Minn. Office became Presidential July 1, 1943.

MISSISSIPPI

Lewis F. Henry, Carthage, Miss., in place of L. F. Henry, Incumbent's commission expired June 23, 1942.
 Mary S. Herron, Courtland, Miss. Office became Presidential July 1, 1943.
 J. Wood Sartin, Jayess, Miss., in place of L. E. Rials, transferred.
 Virgil L. Harrington, Merigold, Miss., in place of L. R. Park, resigned.

MISSOURI

Edna J. Donaldson, Diamond, Mo. Office became Presidential July 1, 1943.
 James P. Payne, Gilliam, Mo. Office became Presidential July 1, 1943.
 Roy W. Moore, Hickman Mills, Mo., in place of Harold S. Bradley, resigned.
 Anna M. May, Jasper, Mo., in place of J. G. May, resigned.
 Ernest A. Hisle, Miami, Mo. Office became Presidential July 1, 1943.
 Albert R. White, Nelson, Mo. Office became Presidential July 1, 1943.
 Lou A. Kaylor, Shelbyville, Mo., in place of Shelby Feely, transferred.
 Maude Dahl, Tipton, Mo., in place of D. H. Weber, deceased.

MONTANA

E. Warren Toole, Great Falls, Mont., in place of P. B. Snelson, removed.

NEBRASKA

Tim N. Cannon, Juniata, Nebr. Office became Presidential July 1, 1943.
 Austin E. Scott, Mitchell, Nebr., in place of H. C. Cope. Incumbent's commission expired June 23, 1942.

NEW HAMPSHIRE

Edna M. F. Hayward, Londonderry, N. H. Office became Presidential July 1, 1943.
 Arthur W. Proulx, Somersworth, N. H., in place of N. A. Berube, resigned.

NEW JERSEY

Oscar S. Newkirk, Shiloh, N. J. Office became Presidential July 1, 1943.
 Mary O'Connor, Woodstown, N. J., in place of Clarence Smith, resigned.

NEW MEXICO

Mary J. Kemp, Reserve, N. Mex. Office became Presidential July 1, 1943.

NEW YORK

Elizabeth B. Murphy, Beacon, N. Y., in place of J. F. Murphy, deceased.
 Gertrude L. Rigaud, Oriskany Falls, N. Y., in place of J. F. Collins, deceased.
 D. L. Palmer, Otego, N. Y., in place of D. L. Palmer, Incumbent's commission expired June 23, 1942.
 George Buechel, Patterson, N. Y., in place of S. E. Austin, deceased.
 Margaret T. Kennedy, Salisbury Mills, N. Y. Office became Presidential July 1, 1943.

NORTH CAROLINA

Roland Lemuel Garrett, Elizabeth City, N. C., in place of W. T. Culpepper, resigned.
 James K. Proctor, Greenville, N. C., in place of T. T. Hollingsworth. Incumbent's commission expired May 29, 1942.
 Henry G. Cook, Stokesdale, N. C. Office became Presidential July 1, 1942.
 Mat M. Ellington, Summerfield, N. C. Office became Presidential July 1, 1943.

OHIO

Helen G. Casenhiser, Clinton, Ohio, in place of C. M. Casenhiser, resigned.
 Florence Wilcox, Deerfield, Ohio. Office became Presidential July 1, 1943.
 Arthur W. Dawson, North Lawrence, Ohio. Office became Presidential July 1, 1943.

OREGON

Edward E. Vail, Ashland, Oreg., in place of M. W. Grubb, deceased.
 Florence Root, Boardman, Oreg. Office became Presidential July 1, 1943.

PENNSYLVANIA

Edward S. Diehl, Allentown, Pa., in place of G. N. Horlacher, deceased.
 Josephine Levi, Cuddy, Pa., in place of Denis Chamboredon, retired.
 Sister Regina Francis, Immaculata, Pa. Office became Presidential July 1, 1943.
 Carmello R. Augustine, Keiser, Pa. Office became Presidential July 1, 1943.

SOUTH CAROLINA

Ernie A. Neese, Cottageville, S. C. Office became Presidential July 1, 1943.

TENNESSEE

Ethel R. Corum, Jonesboro, Tenn., in place of A. A. Trusler, transferred.
 Raymond C. Townsend, Parsons, Tenn., in place of R. C. Townsend. Incumbent's commission expired May 28, 1938.
 Charles H. Carr, Pocahontas, Tenn. Office became Presidential July 1, 1943.
 Violet T. Duncan, Tyner, Tenn. Office became Presidential July 1, 1943.

TEXAS

Robert E. Brinkley, Bloomburg, Tex., in place of H. L. Pettit, transferred.
 Heinz Ulrich, Burnet, Tex., in place of R. H. Johnson, transferred.
 Grover C. Hudson, Corsicana, Tex., in place of A. A. Allison, deceased.
 Walter O. Cravens, Honey Grove, Tex., in place of H. C. McConnell, transferred.
 William D. Wall, Poolville, Tex. Office became Presidential July 1, 1943.

UTAH

William Grogan, Price, Utah, in place of R. F. Walters, resigned.

VIRGINIA

William M. Upshur, Jr., Cheriton, Va., in place of J. L. Haley, deceased.
 Minnie J. Davis, Church Road, Va. Office became Presidential July 1, 1943.
 Oscar M. Buchanan, Kenbridge, Va., in place of J. L. Blackburn, resigned.
 Berkeley B. Baker, Lovettsville, Va., in place of C. F. Shumaker, deceased.
 Charles C. Kenny, Upperville, Va., in place of J. H. Tyler, retired.

WASHINGTON

Mary A. McComb, Everson, Wash., in place of E. H. McComb, deceased.
 May L. Hanson, Touchet, Wash. Office became Presidential July 1, 1943.
 Lavon B. Kelly, Zenith, Wash. Office became Presidential July 1, 1943.

WEST VIRGINIA

Sadie G. Petty, Chesapeake, W. Va. Office became Presidential July 1, 1943.
 Wade H. Garrett, Clarksburg, W. Va., in place of F. J. Maxwell, resigned.
 Willard F. Shrewsbury, Crab Orchard, W. Va. Office became Presidential July 1, 1943.
 Virginia C. Canterbury, Kimberly, W. Va. Office became Presidential July 1, 1943.
 Frederick B. Cline, Mount Gay, W. Va. Office became Presidential July 1, 1943.
 James E. Akers, North Charleston, W. Va. Office became Presidential July 1, 1943.
 John L. Badzek, Osage, W. Va., in place of L. E. Henderson, failed to qualify.
 Oscar S. Conner, Pageton, W. Va. Office became Presidential July 1, 1943.
 Missouri J. Nutter, Prenter, W. Va. Office became Presidential July 1, 1943.

Evalyn C. Huff, Rand, W. Va. Office became Presidential July 1, 1943.

Daisy Barker, Rhodell, W. Va. Office became Presidential July 1, 1943.
 Clarence J. Powell, Romney, W. Va., in place of J. M. Snarr, resigned.
 John H. Shay, Star City, W. Va. Office became Presidential July 1, 1943.
 Starling L. Sennett, Superior, W. Va. Office became Presidential July 1, 1943.
 George L. Wilcox, Tams, W. Va. Office became Presidential July 1, 1943.

WISCONSIN

Hyacinth S. Gibbs, Argonne, Wis. Office became Presidential July 1, 1943.
 Edgar A. Lubeck, Arpin, Wis., in place of J. F. Loschky, deceased.
 Rochelle I. Miller, Bay City, Wis. Office became Presidential July 1, 1943.
 Theresa J. Keyes, Cobb, Wis. Office became Presidential July 1, 1943.
 Archie C. D. Dehler, La Valle, Wis., in place of H. L. Blonien, transferred.
 Forrest W. Friedel, Milton, Wis., in place of D. A. Holmes, retired.
 Doris M. Kading, South Wayne, Wis., in place of R. B. Kessler, resigned.
 Avis D. Wandry, Westfield, Wis., in place of H. C. Krentz, not commissioned.
 Minor A. Potter, Wild Rose, Wis., in place of T. A. Wiora, transferred.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 2 (legislative day of April 12), 1944:

THE JUDICIARY

UNITED STATES ATTORNEYS

Harry O. Arend, to be United States attorney for Division No. 4 of Alaska.
 Edward M. Curran, to be United States attorney for the District of Columbia.
 Brian S. Odem, to be United States attorney for the southern district of Texas.
 William R. Smith, Jr., to be United States attorney for the western district of Texas.

UNITED STATES MARSHAL

George A. Wright, to be United States marshal for the district of Montana.

DEPARTMENT OF THE TREASURY

Joseph J. O'Connell, Jr., to be general counsel for the Department of the Treasury.

UNITED STATES TARIFF COMMISSION

Edgar Bernard Brossard, to be a member for a term expiring June 16, 1950.

BUREAU OF INTERNAL REVENUE

George J. Schoeneman, to be Assistant Commissioner of Internal Revenue.

NATIONAL HOUSING AGENCY

Philp M. Klutznick, to be Administrator of the United States Housing Authority.

COLLECTOR OF INTERNAL REVENUE

Joseph P. Marcelle, to be collector of internal revenue for the first district of New York.

COLLECTORS OF CUSTOMS

Paul R. Leake to be collector of customs for customs collection district No. 28, with headquarters at San Francisco, Calif.
 Martin O. Bement to be collector of customs for customs collection district No. 9, with headquarters at Buffalo, N. Y.
 Austin J. Mahoney to be collector of customs for customs collection district No. 8, with headquarters at Rochester, N. Y.

UNITED STATES PUBLIC HEALTH SERVICE

REGULAR CORPS

To be a medical director, effective April 2, 1944
 Lloyd D. Felton

To be a senior surgeon, effective June 16, 1944
 Eval Richard Coffey

To be temporary senior dental surgeons, effective April 1, 1944

Fritz R. Jackson
James Fitzgerald Lewis
Oscar Mikkelsen

To be a sanitary engineer director, effective April 2, 1944

Lawrence M. Fisher

To be temporary medical directors, effective April 1, 1944

James A. Crabtree
Lucius F. Badger

To be temporary passed assistant surgeons, effective April 1, 1944

Lloyd F. Summers
Martin G. Van Der Schouw
Randolph P. Grimm

POSTMASTERS

NEW JERSEY

Margaret M. Leach, New Monmouth.
Margaret A. Esposito, Sicklerville.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 2, 1944

The House met at 12 o'clock noon.

Rev. John F. McManus, national chaplain, the American Legion, offered the following prayer:

O almighty and eternal God, who has dominion over all nations and peoples, having always compassion on the multitudes, look down with mercy upon us gathered here in the Halls of Congress in our National Capital. Behold the widespread envy and discontent in private and public life because men do not seek first Thy kingdom and justice. Give to us here present and all our brethren in this our country and all other countries and especially to our elected leaders the wisdom and the strength to do Thy holy will in keeping love and respect for all that is decent in capital and labor, in protecting family life from the dangers that surround it, in upholding religious and political liberty, in restoring Thee to our schools of learning, and in preserving all the ideals and principles for which so many of our brethren have made and are making the supreme sacrifice. Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. GORSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. McCORMACK] be permitted to revise and extend his remarks in the RECORD to include a eulogy by the Most Reverend Richard J. Cushing, D. D., on the occasion of the funeral of His Eminence William Cardinal O'Connell. Mr. Speaker, the gentleman from Massachusetts [Mr. McCORMACK] has ascertained the probable cost for his remarks to be \$117. Notwithstanding this, I ask unanimous consent that the extension be made.

The SPEAKER. Notwithstanding, and without objection, the extension may be made.

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my re-

marks in the Appendix on the subject of the General Accounting Office criticism of the Maritime Commission and the War Shipping Administration and to include therein a letter from Admiral Land. The space taken will require about three pages at an estimated cost of \$150. Nevertheless, I ask unanimous consent that the extension may be made.

The SPEAKER. Notwithstanding, and without objection, the extension may be made.

There was no objection.

SIMPLIFICATION OF INDIVIDUAL INCOME-TAX RETURN

Mr. SABATH, from the Committee on Rules, submitted the following privileged resolution (H. Res. 524) providing for consideration of the bill (H. R. 4646) to provide for the simplification of the individual income-tax returns, which was referred to the House Calendar and ordered printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4646) to provide for simplification of the individual income tax, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill, and shall continue not to exceed 2 days, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but such amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

INVESTIGATION OF SEIZURE OF MONTGOMERY WARD & CO.

Mr. SABATH, from the Committee on Rules, submitted the following privileged resolution (H. Res. 521) creating a select committee to make an investigation relating to the seizure by the United States of the property of Montgomery Ward & Co., which was referred to the House Calendar and ordered printed:

Resolved, That there is hereby created a select committee to be composed of seven Members of the House to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

The committee is authorized and directed to make an investigation with respect to the seizure by the United States, on April 26, 1944, of property of Montgomery Ward & Co.

The committee shall report to the House (or to the Clerk of the House if the House is not in session) as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable.

For the purposes of this resolution the committee is authorized to sit and act during the present Congress at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses, and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member designated by him, and may be served by any person designated by such chairman or member.

PERMISSION TO ADDRESS THE HOUSE

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent that today, after any other special orders that have heretofore been entered, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection?

There was no objection.

FIFTH INTERMEDIATE REPORT ON INVESTIGATION OF EXECUTIVE AGENCIES

Mr. BULWINKLE. Mr. Speaker, from the Committee on Printing, I report (Rept. No. 1411) back favorably without amendment a privileged resolution (H. Res. 515) authorizing the printing of additional copies of House Report No. 1366, current session, being the fifth intermediate report of the Select Committee to Investigate Executive Agencies, of the House of Representatives, submitted pursuant to House Resolution 102, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That 15,000 additional copies of House Report No. 1366, current session, being the fifth intermediate report of the Select Committee to Investigate Executive Agencies, House of Representatives, submitted pursuant to House Resolution 102, be printed for the use of said committee.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE POLISH SITUATION

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to extend my remarks and include an editorial from this morning's paper.

The SPEAKER. Is there objection?

There was no objection.

[Mr. LESINSKI addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent to extend my remarks and include a recent radio address delivered by Hon. Charles B. Henderson, Chairman of the Reconstruction Finance Corporation.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANSFIELD of Montana. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a talk given by the Commandant of the Marine Corps, and, secondly, I also ask unanimous consent to extend my remarks and include a letter from the armed service forces.

The SPEAKER. Is there objection?

There was no objection.

Mr. BUSBEY. Mr. Speaker, I ask unanimous consent to extend my re-